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THE LIMITATIONS OF THE RICARDIAN THEORY OF RENT I

THE application of an economic theory is limited to the conditions of the time in which it arose. A static theory, particularly, has this limitation; it can lay no claim to being evolutionary. Its main endeavor is not to gain a view of the long-time development of institutions, not to discover the factors of change and thus to give a theory of changing society, but to formulate what is conceived to be the normal state—"normal" being preferred to "natural" in the present day; though it is difficult to see that the one more than the other escapes the postulation of a static order of society. Even those economic theories which use the evolutionary method of investigation cannot lay any claim to finality, for they cannot predict what the cultural variants will be.

The purpose of this investigation is to make a study of the economic and political conditions which gave rise to the Ricardian theory of rent and to show in what respects economic and political development has failed to follow the expectations of the Ricardian theorists. They expected that rents would increase, so that wealth would concentrate in the hands of the landlord class. To explain why this has not occurred is to give a new theory of the distribution of wealth and to make clear the possibility of a new theory of institutional development. The institutional changes which affect the agricultural classes will be illustrated mainly in connection with the building, capitalization, and rate-making of the new system of transportation which has come into existence since

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the time when the Ricardian theory of land income was formulated. No attempt will be made to take exception to Ricardo's logic. Rather, it is desired to show its fitness as applied to his time, and its inadequacy only as applied to the present.

The theory of rent was formulated when the belief was still current that the landlord class would continue to hold the position which it maintained under feudalism. During the feudal period land was the one thing desired. All important wealth, such as gold rings, leather stockings filled with silver pieces, trinkets, expensive raiment, even house furniture, economic instruments, slaves and cattle—all these things were only supplementary to that fundamental and chief wealth, land.[1] All capital goods were accessory to land ownership. Even a capitalistic enterprise so fundamentally important as flour milling was tributary to the land owners, to whom it was simply an additional instrument for obtaining an income.[2] To secure the whole advantage and complete control of this prime instrument of production the Romans developed an extensive system of slavery and serfdom. The new barbarian rulers were able to utilize the classes thus trained in subjection, for the work of tilling the soil. The chieftains, who later became known as feudal lords, gradually gave up industry and devoted themselves to fighting. As these fighting men became able to pick up a living from their predatory operations, ordinary labor proved distasteful to them. Pride in prowess supplanted pride in workmanship. The forefighters depicted in Homeric and Icelandic cultures show the honor that attached to the fighting men of these early days. Gradually, as the forefighter gained eminence, he obtained a larger number of followers, and when the followers became sufficiently numerous, the leader induced others to fight for him. The exercise of control and of leisurely vaunting of the fruits of fighting became finally the inherited prerogative of overlordship or kingship. The activities of this fighting class were thus related to the distribution,

[1] Schoenfeld, Der Islandische Bauernhof und sein Betrieb zur Sagazeit, 1902, p. vii.

[2] Ashley, English Economic History, vol. i, pt. i, p. 34; pt. ii, pp. 6, 32, 40.

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control and consumption of wealth, rather than to its production. A man's pre-eminence was to be measured by the degree of his aloofness from industry and by the extent of his control of its usufruct. The operations of this new predatory class of barbarians increasingly interfered with the inherited fruits of empire of the Cæsars. The Roman roads which were the imperial channels of control and of trade fell into disuse. Authority became decentralized in accordance with the free institutions of the North. Feudalism took the place of the Roman system of taxation. The vassal held land in fief and gave in return a certain amount of his time to fighting with his lord. The serf received strips of land from the vassal in return for labor on a portion of the latter's estate. Thus feudalism was a military system of control of the productive processes of agriculture. According to the later productivity theorists, the new industrial order of capitalism contained no survival from the old parasitic system except in the case of land ownership.

In the early middle ages the crafts were merely accessory to a self-sufficing manorial unit. Gradually less work was done in the separate farm households, and more in specialized centers. These town trades organized themselves into craft and merchant gilds with interests distinct from those of the agricultural community. Later, hand and water power made a larger scale of production more economical and thus gave greater advantage to the specialized centers of trade and industry. Better communication became a profitable channel for increased trade. A new class of merchants developed larger and more distant markets. But gild and mercantile regulations limited this expansion of trade.

In harmony with the demands of tradesmen for a wider market Adam Smith brings forth his doctrine of free trade and of land monopoly. With free competition under a natural order of liberty he believes that there will result an equalization of profits. "The whole of the advantages and disadvantages of the different employments of labor and stock must in the same neigborhood be perfectly equal or continually tending to equality." This is the ideal state of society which

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will make the centralization of control through the ownership of industrial wealth impossible, and which will tend to be realized if all interference from the government and other obstructive organization be removed. "All system, either of preference or of restraint, therefore, being thus completely taken away, the obvious and simple system of natural liberty establishes itself of its own accord." Every man should be left free to pursue his own interests as a separate individual, but not in combination. Organization obstructs and restrains the free course of individual trade. Adam Smith was not deceived, as his followers have been, in thinking that this state of industry then existed; it was only tending to be realized. His theory is the doctrine of the sufficiency of free competition to establish the price relation between industrial agents, if governments will withdraw their "preference." Governments obstruct the tendency toward a divine natural order. The rejection by later economists of the theory of a divine order or of a natural order does not necessarily evidence any material grounds for their conclusions. They reason on the basis of an assumption of the existence of free competition without giving any proof of it. In Adam Smith's time business was largely carried on by individuals or by partnerships. Since the corporate form of organization has become prevalent, business is demanding liberty to organize. The conception of the divine order of free competition is being abandoned.

Adam Smith's belief in the individualistic form of free competition had some basis in historical fact. The main change in institutions had been apparently in that direction. Capitalistic enterprise had, in a measure, already overturned the gild organization of society, through which the number of apprentices and masters and the quality and price of their goods had been regulated.[1] But it should be noted that this victory was not the victory of individual capitalists unaided by organization. The richer members of the gilds gained control of the gild organizations. By purchasing in large quantities the large

[1] Ashley, English Economic History, vol. i, part i, pp. 71, 80, 103; pt. ii, pp. 29, 75, 94.

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trader had the advantage in bargaining with the small master craftsman, whether in selling him raw material, or in buying from him finished wares.[1] The craftsman became poorer and more helpless until finally, when he was reduced to the position of a laborer, he had completely lost the advantage of private property. The merchant had the organization of the government to support the property rights of capital. He no longer gained a livelihood by craftsmanship, but by trading. In trade, capital had become a necessity.

The national monopolies granted by the Tudors and early Stuarts did not continue after the abolition of the royal grants. The common law did not favor this national restraint of trade.[2] These king-created monopolies had not the advantage of modern large-scale production or the power of the modern trusts to isolate competitors and crush them one by one. The power of the early capitalists, however, was sufficient to force part of the craftsmen to become permanent journeymen or mere laborers. The laboring class became larger and the owning or controlling class smaller. Thus both the town monopolies possessed by the gilds, and the national monopolies granted to court favorites, were finally supplanted by an individualistic form of competition.[3] Though this change was not complete in Adam Smith's time, there were good historical reasons for the current belief that if political privileges were withdrawn competition would spread.[4]

From the competitive philosophy of Adam Smith's natural order, a situation of centralized capital does not logically follow, as either an immediate or a remote possibility.[5] "If in the same neighborhood, there was any employment evidently either more or less advantageous than the rest so many people would

[1] Unwin, Industrial Organization in the Sixteenth and Seventeenth Centuries, pp. 107, 129, 162; Unwin, The Gilds and Companies of London, pp. 251 *et seq.*; Lewis, The Stannaries, p. 208.

[2] Price, The English Patents of Monopoly, pp. 127, 128, 132.

[3] Levy, Monopoly and Competition, pp. 52 *et seq.*

[4] *Ibid.*, ch. v.

[5] It serves the purpose of this investigation to use the term capital in the old sense as excluding land.

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crowd it in the one case, and so many would desert it in the other, that its advantages would soon return to the level of other employments." This, Smith continues, is true on the assumption that all are at "perfect liberty" to compete with one another.[1] On the other hand, in the theory of rent the conclusion is reached that wealth will centralize in the hands of the land owners. The theory of capital is an ideal of "perfect liberty"; that of rent, more of a hard fact of the old order of society. Rent, says Adam Smith, "is naturally a monopoly price."[2] "Considered as the price paid for the use of land, it is naturally the highest which the tenant can afford to pay in the actual circumstances of that land."[3] This expresses our modern doctrine of "charging what the traffic will bear." The rent of land varies with its fertility and its situation.[4] The landlords have all the surplus of produce above what is necessary to maintain labor and pay the ordinary rate of profit to the stock employed. In the natural order of society, more food is produced than is necessary to support the workmen who produce it. As the surplus of food increases, the population may and will increase in number. With the increase of population the demand for food products will increase, and the value of the produce which the landlords receive will rise.[5]

The rent of the landlord depends not only upon the demand for the produce of his land, but also upon the price of manufactured goods, for which he exchanges that part of the surplus produce of the land which he does not consume.[6] Under the natural order of free competition, products will fall in value with every improvement and every increase of the capital which makes labor more efficient. With increased efficiency, less labor will be used, the cost of producing a commodity will be less, and its price will be lower. The surplus of the landlord will increase both in quantity and in purchasing power. In

[1] Wealth of Nations, Bohn ed., London, George Bell and Sons, 1905, p. 101.
[2] *Ibid.*, p. 151.
[3] *Ibid.*, p. 149.
[4] *Ibid.*, p. 153.
[5] *Ibid.*, p. 172.
[6] *Ibid.*, p. 262.

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the natural order, land is the only monopoly. Every increase in the real wealth of society, every increase in the quantity of useful labor employed within it, tends indirectly to raise the real rent of the land,[1] but "as riches, improvement and population have increased, interest has declined."[2]

But during the latter part of the eighteenth century government regulation continues to interfere with the natural order of free competition. The centralized and combinable character of the town industries makes it possible for those engaged in them to regulate trade to their own advantage.[3] Through the corporate privileges granted, the town workmen are able to restrict the number of apprentices, limit the supply of stock, and fix prices. The statute of apprenticeship restricts the free circulation of labor and of stock. Prices naturally vary according to supply, but the corporation laws of the towns enable tradesmen to fix prices.

The inhabitants of the country, landlords, farmers and laborers, dispersed in distant places, cannot easily combine. They are not in an advantageous position for bargaining, as are the people of the towns. The free and equal exchange relations which condition the full operation of Adam Smith's theory of supply and demand do not exist. So it is not simply a question of efficiency of labor, of fertility of soil, of improved methods of production, and of yield per acre on the supply side, and of large population on the demand side, as would be the case in a purely technological situation. In isolated production for household consumption, the interest is in using those methods which will yield the largest crop for domestic needs. But the trades of the towns are conducted according to a different principle. Their method is the organization of industry and business, not for the greatest output or largest physical productivity, but for the highest price or largest value return. The instruments for producing quantity of return are in the hands of the farmer, but the market, in which value arises, is

[1] *Op. cit.*, bk. i, ch. ii, p. 262.

[2] *Ibid.*, p. 95.

[3] *Ibid.*, pp. 129–130.

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within the control of tradesmen acting under the corporate laws of the towns.

As organization is a factor in the control of prices, the country producers, in dealing with the people of the towns, are obliged to sell cheap and buy dear. Hence, as Adam Smith says, the country producers are unable to buy back their share of the total produce of the community. It is not simply a question of the proportion of technological factors. The strategic position of the owners of some of these factors has been of sufficient moment to bring about a result, the reverse of that to which the economic reasoning of Adam Smith would lead in the natural order of society. Not merely the relative supply of the material factors affects the price paid for them and consequently the distribution of wealth, but the greater ability of the makers of wrought goods to combine to fix prices, and the power of governments to regulate the trade of town and nation are decisive immaterial factors in determining market prices. Instead of the country fostering the growth of the towns, the towns outgrow the country, and agriculture lags behind.[1] "Nothing is more secure than the investment of capital in land, but the large profits made in the towns attract capital away from the securest place of investment."[2] Duties, moreover, favor the manufacturers more than the farmers.[3] Mercantile regulations are a logical outcome of the interest of the tradesmen in protecting the home country and colonies from foreign competition. Of the monopoly of the colonial trade, Adam Smith says: "To widen the market and to narrow competition is always the interest of the dealers,"[4] but "by raising the rate of the mercantile profit, the monopoly discourages the improvement of land."[5] Greater profits to land improvement encourage agriculture, but greater profits to mercantile enterprise will draw capital away from employment on the land. Thus government regulation favors

[1] *Op. cit.*, bk. iii, chs. i, iv.

[2] *Ibid.*, bk. iii, ch. i, p. 385.

[3] *Ibid.*, bk. iv, ch. ii, p. 459.

[4] *Ibid.*, bk. i, ch. xi, p. 265.

[5] *Ibid.*, bk. iv, ch. vii, p. 123; bk. i, ch. xi, p. 262.

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manufacturers and merchants above the agricultural classes in the distribution of the annual produce of the land and labor of the country. As a result of government interference all the great fortunes are made in the towns.[1]

Thus in the existing order which Adam Smith characterizes as unnatural and retrograde he recognizes that the state is a factor in preventing that perfect mobility of capital upon which the assumption of a tendency toward the uniformity of prices depends. Later economists of the classical and marginal utility schools reason upon the basis of this assumption of Adam Smith's natural order, but ignore the factors which he recognizes had prevented its realization. Under the unnatural existing order labor and stock are not left free to circulate according to demand, prices do not tend toward uniformity in different markets, profits do not tend toward equality, profits are greater in the towns, capital does not flow to agriculture but to trade in which the greatest fortunes are made. Instead of agriculture stimulating the development of manufactures and commerce as would result in the natural order, the development of the latter has given birth to the principal improvements in the former.[2] Under a trade monopoly, the rate of profit and of interest will be higher, but the aggregate of profits will be less.[3] Less capital may be saved and a smaller number of productive laborers can be maintained. With the farmer's profit diminished, less capital will be employed upon the land and less food will be produced. The real rent of the landlord, or his power to purchase the labor or the produce of the labor of other people, is reduced both by the diminished size of the surplus produce, which goes to him, and by its diminished purchasing power. Thus rent falls with the rise of trade monopoly profits. In the natural order population and landlords thrive together. In the unnatural order landlords lose their ascendant position, wealth centers in the hands of the trade monopolies, and population is checked.

[1] *Op. cit.*, bk. ii, ch. v, p. 381; bk. iii, ch. iv, p. 422.

[2] *Ibid.*, bk. iii, ch. i, p. 388.

[3] *Ibid.*, bk. iv, ch. vii, pp. 123 *et seq.*

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Thus Adam Smith saw the significance of the revolution which was then under way. His analysis as a whole takes full account of it. But if we had confined our attention to that part of his work which illumines the natural order, as has been usually the custom of economists, we should have found no suggestion of the revolution that was taking place in institutions.

In the consideration of the relation of landlordism to capitalism, Ricardo's *Political Economy* is a most valuable document, especially when it is regarded in connection with the conditions of which it is largely a pragmatic analysis. Its limitations are found in Ricardo's attempts to draw conclusions of universal application from an almost exclusive consideration of one period of time. The economic question of great importance before England at that time was: Shall the vested rights of the landlords be preserved and increased, or shall conditions favorable to the manufacturing interests be fostered? The great numbers engaged in the rapidly increasing manufactures of England, as well as those absorbed by the Napoleonic wars, were greatly increasing the demand for food products. The first attempt to meet the condition of high prices involved in this demand was by increasing the use of the waste lands.[1] Tradition, as well as the landed interest, was in favor of reliance upon home production of agricultural products. In the course of the effort to meet this pressing demand, the so-called law of diminishing returns, as first formulated by West and Ricardo, was worked out. With the poor in increasing wretchedness, no longer able to combine agriculture with manufacturing or handicraft, with the rapidity of invention bringing about a sudden change in labor requirements, the question of the diminishing returns of agriculture was not academic in the sense that it has since become, but was the problem of a country shifting from agriculture to manufacturing. Its solution involved the issue of the struggle between capitalism and landlordism. With a scrupulous consideration for the vested interests of the landlord, it would result, as Ricardo forecast, that "almost the whole produce of the country, after paying the laborers, will be

[1] Cunningham, History of English Industry and Commerce, vol. ii, p. 17.

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the property of the owners of land and the receivers of tithes and taxes."[1] This view reflected the general expectation of that time.

According to Ricardo, "Profits depend on high or low wages, wages on the price of necessaries, and the price of necessaries chiefly on the price of food, because all other requirements may be increased almost without limit.[2] The price of food depends upon the margin of cultivation. The demand for food by an increasing population will cause a rise in the price of food. A poorer quality of soil will be brought into cultivation. The additional food will be produced with increased difficulty. With the increased price of food the employer will be obliged to pay higher wages, and his own profits will be correspondingly less. "The natural tendency of profits," says Ricardo, "then is to fall; for in the progress of society and wealth, the additional quantity of food required is obtained by the sacrifice of more and more labor."[3] The tendency is for accumulation, the additional demand for labor, and the rate of increase of population to diminish. "But ultimately," he says, "the very low rate of profits will have arrested all accumulation and almost the whole produce of the country, after paying the laborers, will be the property of the owners of the land and the receivers of tithes and taxes."[4] As population increases and as poorer lands are brought into cultivation, the rent or the difference between the value of the produce raised on the no-rent land and that of the more fertile lands increases. With improvements in agriculture, food will be produced with less difficulty, and prices of food will be lower. But as population increases, the demand for food products will be greater and prices will rise. The higher the price of food products, the greater will be the rent of the landlords, the higher the nominal wages of labor, and the lower the profits of the capitalists. But improvements in manufacturing will not benefit the capitalist. Free competition will bring about a

[1] Principles of Political Economy, Bohn ed., p. 97.

[2] *Ibid.*, p. 97.

[3] *Ibid.*, pp. 98, 70.

[4] *Ibid.*, pp. 99, 320–321, 255.

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reduction in prices to the new level of the expenses of production. The consumer will ultimately receive all the benefits of improvements in the case of manufactured goods.

The capitalist is conceived to have no special advantage of ownership which competition may not take away. The manufacturer has no advantage over the tenant farmer. The profits are equal, or if not, the one with small capital may readily pass from one occupation to the other. "There cannot be two rates of profit,"[1]

> For the restless desire on the part of all employers of stock to quit a less profitable for a more advantageous business, has a strong tendency to equalize the rate of profits of all, or to fix them in such proportions, as may in the estimation of the parties, compensate for any advantage which one may have, or may appear to have over the other.[2]

Thus a perfect mobility of capital is postulated, and upon this assumption the conclusion is drawn that profits tend toward equality and prices in general toward uniformity.

From the logic of Ricardo it follows that there may be no accumulation of advantages through capital ownership and no concentration of wealth through capitalistic enterprise. Instead of there being an accumulation of advantages in the hands of the owners of capital the tendency is in a reverse direction, namely, toward a low rate of profits. The theory of capital income, as well as that of land income, leads to one and the same conclusion, namely, the concentration of wealth in the hands of the landowners. Ricardian logic in nowise disturbs the supremacy which the landholders possessed under the ancient order of feudalism.

In Ricardo's time the application of steam to spinning machinery and power looms had so completely broken up the old industrial and business organization of society, and individual competition was coming so forcibly into business life, that what was most emphasized were the transitional, competitive activities which characterized the period preceding the development of the new business organization. That the government might

[1] *Op. cit.*, p. 49. [2] *Ibid.*, p. 66.

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be wrested from the hands of the landlords and turned to the account of the owners of capital was hardly conceivable. Nor was it apparent that vested rights might become more powerful and more highly organized in connection with the ownership of the new instruments of capitalistic production than was ever possible in connection with land ownership. The bias was in favor of reliance upon competition. The economic thought of the time is a theory of how the competition of natural economic forces may be found sufficient to regulate prices without government interference. Governments that were so largely in the hands of the landlords could not be relied upon. The monopoly of lands within a country by the landlords was more easily protected by tariff barriers at this time than later, as the undeveloped conditions of transportation made the competition of outside lands more difficult. Ricardo's theory represents the effectual character of this national monopoly. The landlord could reap all the surplus, while the tenant, the farm hand, and the general consumer would have little or none of the advantages from the use of the richer soil, or from improvements in farming. While Ricardo may not have been conscious of the scope of the revolution that was peacefully taking place, his insight into his time is surprising for one who was prepared to take only a static view.

The development of a system of canals in England made it cheaper for England to obtain food products from other countries by sea. Her increasing manufacturing interests made it imperative that these outside agricultural resources should be utilized. With the importation of corn less of the country's land will be used, the margin of cultivation will be raised, rent that goes to the unproductive class will be diminished, real wages will be higher, profits will be higher, production and the general happiness will be increased.[1] Thus Ricardo sees clearly that the competition of foreign corn means lower prices. "The fall of prices invariably affects the landlord until the whole of his rent is absorbed."[2] This line of argument is

[1] Principles, pp. 256, 257.

[2] *Ibid.*, pp. 419, 252-253.

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more in accord with the actual course of events as they have taken place; but Ricardo's theory is not stated in terms of such a change.

The bounty on exportation of corn and the high tariff prohibiting its importation, except in time of unusual scarcity, helped to preserve to the landlord class until 1846 the advantages which had been acquired since the feudal régime. When England had become such a great center of manufacturing that her own farms could not produce sufficient for her industrial population except at higher prices than in countries where land ownership had not been so highly capitalized—where, in fact, in the absence of a feudal stage of development, land was relatively free, then the maintenance of the tariff on the importation of corn must come to an end, or the manufacturers themselves must cease to compete with other countries, where food products could be obtained on better terms. The development of the functions of the corn middleman was a potent factor in breaking up the land monopolies about the towns. The introduction of railroads was finally a decisive factor: better transportation extended the market for manufactured goods and made it possible for the British Isles to receive from more distant lands cheap food for the support of their laboring class. The repeal of the tariff on corn in 1846 indicated that the monopoly of English landed gentry was broken and that capitalistic enterprise in England was going to maintain its position. From being masters, with all the traditional advantages represented in economic theory, the landowners of England became competitors with the owners of the cheapest lands of the world, those of the United States, Argentina and Canada. But the power of the land monopoly need not have fallen unless another monopoly had come to crush it and take its place.

Instead of the landlord having an increasing power of capitalization of land, as would have followed if the progress of society had brought about that condition of increasing rents which enters into and forms the foundation of all economic theory that is either a survival of Ricardo's time or a slight modification of it, there took place a gradual depreciation of land values in Europe and even in the United States with the

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successive opening up of new tracts of land for cultivation. The last territory opened up for settlement had the advantage. The lowness of its original purchase price more than offset its disadvantage of location. The first settler or speculator had a short-lived period of reaping the profits of an increased rate of capitalization due to the movement of population. Then instead of there being a continuous increase in land values, as would follow from the Ricardian theory, there soon came a time when depreciation set in because of the competition of new lands, and because of the system of rates of the new scheme of transportation.

The United States government alone came into the possession of a domain of 1,441,436,160 acres for distribution. The policy of selling the land at a low price, generally in small amounts, favored the development of the widest diffusion of ownership. The general Pre-Emption act of 1841, granting to the settler on the public domain the first right of purchase, encouraged the appropriation of land by men of small capital. The Homestead Act of 1862 granted a free title, to a maximum amount of 160 acres, to the settler who had resided upon and cultivated the land for five years.

The business of the speculator is to secure the land as nearly free as possible and hold it until he may sell it to the cultivator for a good price. To the degree that he succeeds, he eliminates free land and takes to himself all the pecuniary values that have accrued to idle land through the increase of population and the extension of railroad facilities; to the extent that his values are a money valuation of idle land rather than an industrial worth from the productive services of the land, he has checked population by that number of people who might have been supported upon it and apart from it by its surplus. Thus large tracts of land in the neighborhood of large cities, as well as in undeveloped territories, are held idle by land-investment companies. The Commutation Act of 1891 has favored the speculator as a middleman between the government and the cultivator.[1] By this act the five years' residence required under

[1] Report of Public Lands Commission, Senate Docs. 158–192 (1904–5), p. 75.

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the Homestead Act might be commuted to a cash entry of $1.25 per acre after a virtual residence of eight months. This has made it possible for people without agricultural experience to secure the land from the government and then sell their titles to loan companies from whom they may have obtained the money to advance to the government.

In many parts of the United States the presence of the land speculator makes it very difficult for settlers to secure land cheap enough to make farming profitable.[1] The real-estate dealers, and not the landlord, as assumed in traditional theory, may get the increase in land values. The real-estate dealer is a new factor in a new situation, which has developed since the time of the formulation of the Ricardian rent doctrine.

With the development of the railroads and the great commercial centers on the Eastern seaboard, the policy of the United States government changed from an endeavor to make the public land a source of revenue, to the purpose of facilitating the widest possible settlement of the soil. The general Pre-emption Act of 1841 is a legislative mark of this change.

If the system of business had favored landlordism as the most advantageous arrangement for securing an income, then we should have expected that the railroad corporations, which were granted 155,273,560 acres of land by the United States government, would have become the greatest landlords in the country. But instead of keeping the agricultural lands, as would have been the result if the main advantage had been in such ownership, according to Ricardo's theory of the distribution of wealth, they disposed of their holdings at a reasonable advance over the price of government lands.[2] But they have become large holders of coal, lumber and oil lands, which have permitted the greatest power and advantage of combination under the present scheme of pecuniary centralization of wealth.[3]

[1] Report of the California Commission on Land Colonization, 1916.

[2] Donaldson, The Public Domain, p. 779. Previous to Nov. 1, 1870, 14,310,204.16 acres were sold for $68,905,479.81. Prices of railroad land sold ranged from an average of $2.14 per acre on the California Oregon Railroad to $12.12, the average price per acre on land sold on the Chicago, Burlington and Quincy Railroad.

[3] United States Industrial Commission, vol. xix, pp. 444–466; vol. ix, pp. xxlv *et seq.*; vol. xix, p. 296; Proceedings of Conference of Governors, 1908, p. 138.

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They have endeavored to increase the settlement along their lines by means of advertisements, immigration agents and home seekers' excursions; and to promote the efficiency of a new subject class of farm owners by the establishment of agricultural experiment stations.

Through experiment stations for the relatively free distribution of unpatented seeds and unpatented agricultural processes, by the reclamation of swamp lands and the development of irrigation systems, the government has created new competitors for the farm-cultivating and farm-owning class; while by patents and tariffs, and by authorizing or permitting the unrestricted sale or gift of mineral resources, timberlands, and water rights to large interests, the opposite methods are being pursued to restrict competitors in the case of the dominant instruments of production.

Canada has fostered settlement of its lands by helping to defray the expense of transporting the immigrant to the place of settlement. Argentina, one of the greatest competitors of the American farmer, has gone so far as to advance capital to the immigrant in addition to helping to pay his passage.[1] The Brazilian government, likewise, has been active in promoting small-scale farming.[2] The states of Australia and many countries of Europe have bought up large estates, subdivided them into small tracts and sold them on easy terms of credit to peasants.[3] Thus in the old world finally crumbles the ancient power which attached to land ownership. *Laissez faire* is no longer found to be a desirable government policy as applied to the development of agriculture. The competition of the agricultural lands in the new world was not sufficient to bring about the complete utilization of land in the old world without government interference. Government aid has been

[1] Emerick, "An Analysis of Agricultural Discontent in the United States," POLITICAL SCIENCE QUARTERLY, vol. 11, pp. 462–3.

[2] Pierre Denis, Brazil, p. 116.

[3] Duffus, Report on Agricultural Settlement and Farm Ownership, Wisconsin State Board of Public Affairs, 1912; Report of the California Commission on Land Colonization and Rural Credits, 1916; B. H. Hibbard, *American Economic Review*, vol. vii, p. 40.

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necessary to give the peasant the credit required to make him the owner of a small farm. Government action was also necessary to force the sale of small tracts of land at reasonable prices. In some countries the government did not grant the right of sale of the land, but only the right of use and bequest. Thus the government eliminated speculative land values and guaranteed long-time possession to the cultivator. Short-time possession by tenants or temporary owners encourages exploitation and impoverishment of the soil. Government action is a form of organized effort which it was the purpose of competitive economic theory to prove unnecessary. With the fall of the *laissez-faire* doctrine, the logic of the economic theory which supported it ceases to have further application.

According to Ricardian logic, if prices are higher and profits larger in one locality than in another, the free movement of capital assumed will bring about uniformity of prices and equalization of profits between places. Thus the theory of equalization of profits and of uniformity of prices is dependent upon the existence of perfect mobility of capital. According to this theory, if there is more return at the no-rent or extensive margin of cultivation, owners of capital are free to leave the less paying forms of employment and take up the more profitable occupation of farming. In agriculture, business practice has diverged from this assumption of the perfect mobility of capital. The aid of the state has been invoked to increase land settlement. Land settlement and colonization have become state-directed in many countries. The movement of population and capital to the margin of cultivation, contrary to all Ricardian expectations, has not been the result of the free play of economic forces. The United States government has either given away agricultural lands or sold them at a nominal price. The establishment of the federal land banks in the United States under the Federal Farm Loan Act is recognition of the insufficiency of the movement of capital to agriculture. Furthermore, some governments in limiting the transfer of lands have abridged the freedom of investment which is one of the conditions of the perfect mobility of capital assumed.

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To grant the cultivator ownership was to secure the greatest yield of crops from the soil. The profits of the railroads can best be assured by the freight charges on the necessary transportation involved in the modern scheme of production for a market. The cultivator as owner becomes the best caretaker. The bigger his crops the more the traffic will bear for freight, clothing, oil, coal, sugar and machinery charges. If the governments in the new countries grant free or cheap land to the cultivators, initial cost for land will be less, and the necessary interest on the initial investment will be correspondingly decreased; hence a larger part of the price of agricultural produce may be exacted by the other factors engaged in the productive and distributive processes.

Agricultural productivity at the margin of cultivation may depend upon the fertility of the soil according to the traditional theory of rent; but the value of agricultural products is not simply derivable from the productivity of marginal land or from the marginal utility of the marginal product. Quantity of products depends upon fertility; but the value of the product to the farmer is measured by the net receipts, or by the gross receipts minus all expenses incurred in its production. Net receipts will depend upon the relative bargaining position of the farmer in dealing with real-estate dealers, laborers, state grain-dealers' associations, elevator corporations, buyers and brokers generally, railroad companies, banking institutions, coal, lumber and hardware corporations, agricultural machinery, fertilizer, oil, sugar and meat trusts. This in turn is part of the larger question in regard to the relative position of small-scale business in dealing with large-scale business. To show this problem in its development a brief survey will be made of the historical relation of the landed and railroad interests in England and the United States.

In Adam Smith we have a theory of transportation in relation to the income of landlords and tenants. The income value of the distant location will be less than the near, by the amount of the labor costs involved in the increased distance of transportation. The rent of the landlord is diminished simply by the wages of the extra labor that must be utilized to transport

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the produce the extra distance. If the transportation facilities are improved, the monopoly power of the country bordering the town is broken. More remote regions are put more nearly upon a level with those in the neighborhood of towns.

According to the labor or cost theory of transportation, the landed interest, as well as all other interests, is to reap advantages from the introduction of railways. Any saving in transportation costs through the use of steam will be added either to the farmer's profits or to the landlord's rent. The saving in capital and labor could be applied either to soils already under cultivation or to new soils. The additional expenditures in cultivation would be made up by decreased expenditure in transportation. Torrens says:

> The cost of bringing all things to market is comprised of the costs of production and the cost of carriage. Reducing the cost of carriage is precisely the same thing in its effects as reducing the immediate cost of production. Consequently the conveyance of light goods by steam power must cheapen all such goods to the consumers. This will necessarily enable them to consume a greater quantity of such goods, and the consumption of the greater quantity will enlarge the demand for labor, call a larger manufacturing population into existence, and thereby react on agriculture by increasing the demand for food. This cheaper mode of internal carriage will not only lower the price of light and refined manufactures to the home consumer, but will lower their price to the foreign consumer so that here again there will be an increased demand for manufactures, and for a manufacturing population, and here again there will be another beneficial reaction on the soil.[1]

If steam power should take the place of horse power, it would be possible to support a proportionately larger population by the amount of soil released from the maintenance of horses. The change would be so gradual that probably at no time would any land be thrown out of cultivation. Thus we see no revolution is contemplated in the scheme of institutions. The change represents simply the difference between them and

[1] Testimony of Colonel Torrens before a Select Committee of the House of Commons on Steam Carriages, October 12, 1831. Reprinted in the United States House of Representatives as No. 101, Twenty-second Congress, first session.

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horse power, which will result in a saving to the landowner as well as to the general consumer. That is, it is a difference in the productive power of two methods of locomotion, which will not in any way affect the relative position of vested rights except in the case of canal monopolists.

The proposal that transportation should be owned by the state and operated at cost was not followed. The railway was not simply to maintain itself for the sake of other interests; it was to become a new interest with profits of its own. Hence there arose a question of how far charges should exceed industrial or social costs. Excessive charges would mean a conflict of interests among land owners, farmers, manufacturers and merchants.

The faith of the time was in the sufficiency of free competition to regulate the price relation between the different interests. Provision was made for outside carriers to use the tracks of the first railway upon the payment of charges.[1] But the same kind of provisions for free competition had been unsuccessful in the case of canals,[2] for the ownership of wharves, land and warehouses along the canal involved the investment of a large capital, and consequently gave a position of vantage which precluded the use of the canal by an outside carrier. The canals had become an obnoxious monopoly. It was hoped that the introduction of railroads would destroy their monopoly power. It was thought that the competition of carriers on the railways would reduce the rates of transportation on both canals and railways. It was estimated that there was a mechanical saving in the use of steam power on railways over horse power on canals. The saving from this improved method also was to go to the consumer. This expectation was in accord with economic theory, as well as with popular opinion.[3] All improvements in transportation, like those in manufactures, would mean economy of energy, which would be expressed in terms of price

[1] Select Committee on Railways, 1839, Second Report, p. vi.

[2] Proceedings of the Committee of the House of Commons on the Liverpool and Manchester Railway Bill, 1825, pp. 100, 112, 113, 126, 307.

[3] Phillips, History of Transportation in the Eastern Cotton Belt to 1860, p. 387.

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through the efficient action of free competition. Competition, as usually interpreted, assumes a rivalry of industrial methods in which the more economical is able to win and to give the benefit of the saving to the public through a lower price. It was not foreseen that carriers on the same railway, or that railways between common points, would find it to their interest to combine to regulate prices. There was no conception of the possibility that the railroads might some day become so powerful as largely to eliminate competition in transportation by water, either by owning and controlling steamship lines and terminal facilities or by refusing to co-operate in the transshipments which are commonly required in freight by water.[1]

The select committee of the House of Commons in 1839 found that the expectation of competition between carriers on the same railroad had not been realized. With a few exceptions the railways themselves were the exclusive carriers. While the law had provided for competition among carriers, the theory had not worked out in practice. The railway owning the stations possessed an advantage as a carrier of freight against which an outside carrier could not compete. A conflict of interests between the railways and the public was recognized. It was thought that government control over railways should be exercised to make up for the inefficiency of competition. But the basis upon which this government control should proceed is not indicated except in the vague, general way that the railways must be prevented from exercising their monopoly power to the detriment of the common public good.

In the fourteen years between 1825 and 1839 the railroads in England had thus come to be recognized as a monopoly. The government was assumed to be strong enough to regulate a monopoly so as to prevent its charges from becoming excessive. Government regulation could, however, derive force only from the effective weight of the interests involved. Which would prove the most powerful—the landed interests, the man-

[1] Report of the Commissioner of Corporations on Transportation by Water in the United States, pt. i, pp. ii, 160–1; pt. ii, p. xxiii; pt. iii, pp. 37–40; Interstate Commerce Report, vol. xxi, pp. 354 *et seq.*

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ufacturers, the merchant class or the railways—no one was then prepared to say. If the railways, acting as monopolies, were able to dictate transportation charges, they would not suffer loss because of the excessive costs of construction, which, in part, were forced upon them by the landlord class. On the outcome of this struggle would depend the relative capitalization of the landed interests and the railways. According to the usual theory, the high cost of initial capital investment need not affect railroad charges. But this conclusion is based upon the assumption of free competition. A monopoly can fix prices to get back any excessive costs. The question really was: Could the English land monopoly be broken up by the substitution of another monopoly, namely, one of transportation, and, finally, what effect would its system of rates have upon the old system of land rents? These and related questions will be considered in the December issue.[1]

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WEST RALEIGH, N. C.

[1] This manuscript was originally submitted in partial fulfillment of the requirements for a Doctor's degree at the University of Missouri.

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CANADA'S NATIONAL GRAIN ROUTE

CANADA in 1917 exported 189,643,000 bushels of wheat, and 7,425,000 barrels of flour. All this wheat was grown in the provinces of Manitoba, Saskatchewan and Alberta. So was nearly all the wheat from which the exports of flour were milled. The wheat exported and the larger part of the wheat ground at mills east of the Great Lakes went through the terminal elevators at Fort William and Port Arthur, and was shipped from these ports over the national grain route to tidewater ports in Canada or in the United States, or to flour mills in the provinces of Ontario and Quebec.

The prosperity of Canada, in particular that of the prairie provinces and the provinces of Ontario and Quebec, is in normal years largely dependent on the western grain trade. All these five provinces are to a great extent dependent on the grain trade as it flourishes at Fort William and Port Arthur, at the transfer ports of the lower lakes, and at the tidewater ports of Montreal, Quebec, Halifax and St. John. It is a trade that had its beginnings no longer ago than 1883; and it is only within the last ten years that all the tidewater ports of Eastern Canada were adequately equipped to handle it. From 1883 to 1896 Montreal and Quebec were the only Canadian ports that had any part in the oversea shipment of grain from the western provinces. In 1896 St. John became a grain port; and in that year, for the first time in the history of the trade, grain was shipped in the winter months over the Canadian Pacific Railway from Fort William to what the people of New Brunswick like to regard as the Liverpool of the Maritime Provinces.

Halifax in 1900 made a bid for the grain business. An elevator of half a million bushels capacity, built by the Dominion government as part of the port equipment of the Intercolonial Railway, then went into commission; and this elevator has been in service as a public utility, operated by the government, for the last seventeen or eighteen years. But the distance from Mon-

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treal to Halifax is 836 miles. Montreal is 992 miles by rail from the head of the lakes; and with distance and the heavy grades of the Intercolonial against it, Halifax has not taken rank among the important grain ports on the Atlantic seaboard. With its obvious potentialities for oversea trade, Halifax had not up to 1918 succeeded in obtaining a place on the great chain of grain ports that extends from St. John, New Brunswick, to Galveston, Texas.

A trickle from the ever-increasing stream of grain from Port Arthur and Fort William that has been pouring over the national grain route since 1883, always found its way to Quebec, which until 1890 outranked Montreal in importance as a port. It went there before Quebec had its modern elevator equipment, because despite the deepening and widening of the ship channel, which has been going on since 1844, there were always owners of large mail and passenger steamers who preferred to load and unload at Quebec rather than to send their vessels up and down the 160 miles of ship channel of the St. Lawrence that connects Quebec with Montreal. Except for this thin stream of grain that has gone, and is still going, to Quebec, until 1896 all the transatlantic shipments were from Montreal, or from American ports; and from December to May, during the months in which the navigation of the St. Lawrence is closed by ice, not a bushel of grain was shipped to the United Kingdom from a Canadian port.

1. The Early Years of the Western Grain Trade

Manitoba no. 1 hard—the wheat that gave the province its world-wide fame—began to attract attention in 1876. There were then not more than 8,000 grain growers in the province of Manitoba. There was no railway to the head of the lakes. Winnipeg, although then as now the capital, was only a village; and the easiest way to Ontario and Eastern Canada was by rail from St. Paul. Statistics of grain production in Manitoba began to be collected by the provincial government in 1876. For that year the production of wheat was 480,000 bushels; and there were then ten small flour mills in the province. Two of them were in Winnipeg. This was the year of the centen-

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nial exposition at Philadelphia, and at that exposition there was a collection of samples of grain grown in Manitoba.

In the autumn of this year also, there was the first shipment of Manitoba wheat to Toronto. It was sold as seed, and 850 bushels were quickly distributed; for Ontario from 1793 until as late as 1884 was the one grain-exporting province in British North America. In 1876 Manitoba hard wheat had been declared by millers to be the best for milling purposes, and Ontario grain growers were eager to try it in their own province. There were other and larger shipments to Toronto by way of St. Paul between 1876 and 1882—shipments to Ontario millers, who then as now had a large export trade with the United Kingdom, and who also exported flour to the Maritime Provinces, to the United States and to Newfoundland.

In the decade which preceded the completion of the Canadian Pacific Railway to a point as far west as Winnipeg, there were years in which the exports of Ontario wheat to Great Britain were as high as 5,000,000 bushels, and in the literature of the immigration propaganda of these years—1873 to 1883—much emphasis was laid on the fame of Ontario as a wheat growing and wheat exporting province. In Canada there was no province to dispute the pre-eminence of Ontario until 1884, when the first shipment of Manitoba wheat was made to Great Britain. The first shipments of grain over the Canadian Pacific Railway were made in 1883. They were from Winnipeg to Port Arthur; thence to Toronto over the lake and canal sections of what is now the national grain route; and Toronto continued to be a grain port, on an American as well as on the Canadian route, until 1887. Toronto at this time was also a grain market. Montreal had had its grain exchange from 1863—from the era of great agricultural prosperity in Ontario and Quebec which resulted from the reciprocity treaty of 1854–1866 with the United States. The grain exchange at Toronto was established in 1872. It obtained its charter from parliament at Ottawa before Toronto took its place on the old grain route from Minnesota and Dakota through Chicago to Collingwood, Ontario, thence to Toronto by rail, and from Toronto by lake and canal to Oswego and Ogdensburg in New York; or to

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Montreal, from which port there have been comparatively large shipments of wheat and Indian corn from the western states ever since the days of the old Elgin-Marcy treaty of 1854.

In the years of the initial development of the national grain route it seemed as though Toronto might retain its importance as a grain port. After the Canadian Pacific Railway Company built its first elevator at Fort William in 1884, and also a transfer elevator for western Canadian grain at Owen Sound, on Georgian Bay in 1885, it contemplated building an elevator at Toronto, and announced this intention to a meeting of shareholders at Montreal in May 1886. Toronto was also made a grain-inspecting center under the Dominion grain code by order in council passed at Ottawa on August 22, 1885; and the inspector of grain there was by this order directed to make daily reports to the Toronto Board of Trade. But shortly before lake navigation began in 1885 this international transport service was ended by the denunciation by the United States in 1883 of the protocol of June 1875, to the treaty of Washington of 1871, that gave Canadian forwarding companies the privilege of carrying grain from one United States port to another, providing it was carried overland in the Dominion part of the way—the protocol that sanctioned the Chicago-Collingwood-Toronto-Ogdensburg route for grain from Minnesota and Dakota.

Extensions of the C. P. R. in Ontario made after 1884, the development of Owen Sound as a grain port, and low through rates to Montreal from stations in Ontario, all told against grain business at Toronto; and by 1887 Toronto had lost a pre-eminence on the grain route that it had enjoyed for nearly thirty years before grain from Manitoba began to be shipped over the national route to Montreal and Quebec. Toronto is still a grain market for western as well as Ontario grain; but of the forty licensed elevators in the province of Ontario in 1916 not one was in the city of Toronto; and Toronto for more than a quarter of a century has been off the line along which Canadian grain moves to the eastern seaboard.

There were no elevators at the head of the lakes in 1883—not an elevator anywhere in Canada west of Collingwood—and

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when the pioneer lake grain carrier, the steamer "Erin," a vessel of 400 tons, took on the first cargo at Port Arthur for the national grain route, part of the grain was carried to the steamer in bags, and part of it was wheeled in barrows from the Canadian Pacific Railway sheds to the steamer. The first elevator was built at Port Arthur in the winter of 1883–1884. It was known as King's. It was of 250,000 bushels' capacity—a capacity not equal to that of many of the lake steamers now in the grain trade. It went into service in June 1884. The first consignments of western grain over the C. P. R. in 1883 went to Toronto for flour millers in Ontario; and there were no direct shipments of Manitoba wheat to the United Kingdom until in 1884. The first shipment was consigned to Dunlop Brothers, of Glasgow, by Mr. James Thompson, who has been in the grain business of western Canada since 1882, and who in 1918 was the dean of the grain exchange at Winnipeg. There were 700 bushels of wheat in the consignment, which was of the crop of 1883.

In June 1884, when the pioneer Thompson-Dunlop consignment was on its way to tide-water, the population of the two towns at the head of the lakes—Port Arthur and Fort William—did not exceed 6,000, and the time seemed remote when these two ports would rank next to Chicago among the centers of grain handling on the North American continent. There were then no country or line elevators anywhere in what are now the grain-growing provinces; and the first consignment of grain from Winnipeg to the United Kingdom was carried to Port Arthur in sacks. It went all the way to Montreal over the lake and canal route; for in 1884 there were no transfer ports on the Canadian shores of the lower lakes—no ports at which there were elevators for storing grain during the winter months and transferring it to cars for conveyance to Montreal, Quebec and Portland.

In the year of this first shipment of Manitoba wheat to Great Britain, the Canadian Pacific Railway Company handled nearly 6,500,000 bushels of grain. Most of this business, however, originated on its lines east of the Great Lakes. In these years —1883 and 1884—the western grain crop did not exceed

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2,000,000 bushels. It was all Manitoba grain; for it was 1892 before any grain for export was grown in what is now Saskatchewan, today the most important of the grain-growing provinces; and it was 1898 before even a rivulet of grain from what is now Alberta was finding its way into the eastward stream from the prairie country to the head of the lakes.

The first steamer to take grain from an elevator at Port Arthur was the "Acadian." She was loaded at King's when the Manitoba crop of 1884 began to arrive for shipment down the lakes. The second season of shipments by rail from Manitoba —that of 1884—made it obvious that a large business must soon be centered at the head of the lakes. As Port Arthur is nearly a thousand miles from Montreal, there was no idea in those days that grain could be carried all the way by rail to the tide-water ports, and it was 1896 before the first load of grain for winter shipment from St. John was carried over what is colloquially termed the "bridge"—the 600 miles of almost uninhabited wilderness that lie between Port Arthur and North Bay, Ontario. In the early eighties it was taken for granted that all the grain would go east from Fort William and Port Arthur by water during lake navigation season, and that storage at the head of the lakes would be needed for every bushel of grain that would come to hand between December and April.

2. Elevators at the Head of the Lakes

The C. P. R. accordingly in 1883–1884 built its first terminal elevator at Fort William. Like the elevators at Chicago and other American lake ports at that time, this first large grain elevator in Canada was of wood, with square bins, instead of the circular bins now in use in most of the newer elevators at the head of the lakes, at Winnipeg, Saskatoon, Moose Jaw, Calgary and the other centers of the grain trade in the country beyond the Great Lakes. The first C. P. R. elevator was of 1,000,000 bushels capacity, and was designed and equipped to admit of the unloading of nine cars at a time. It went into commission early in the grain year of 1884–1885, a year in which 1,500,000 bushels went through this elevator and King's, the older elevator on Thunder Bay. Over 2,000,000 bushels

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went down the lakes in the following year, 1885–1886; and then came the memorable crop of 1887. In the grain year 1887–1888, 3,876,000 bushels of Manitoba wheat were inspected at Winnipeg, and sent forward to the head of the lakes. This was the first boom year in the western grain trade. From the crop of 1887 is dated the organization of the grain exchange at Winnipeg; the first large shipments direct to London; the building of the first country elevators along the line of the C. P. R.; the first congestion of grain at Fort William and Port Arthur; and the beginning of great activity in the building of terminal elevators at these ports.

The aggregate capacity of the two elevators in commission in 1887—King's at Port Arthur and the C. P. R. elevator at Fort William—was only 1,350,000 bushels, less than the capacity of the three elevators now in use for shipments during the winter months from St. John; and Montreal was then the only Canadian ocean port where there were elevators for handling Manitoba grain. The C. P. R. had installed its first elevator at Place Viger in the winter of 1885. It built a second elevator there in 1886; and when the great crop of 1887 was moved eastward the aggregate capacity of the C. P. R. elevators at Montreal—then the only public elevators at the port—was 1,200,000 bushels. The entire grain crop—wheat, oats and barley—was immense. It greatly exceeded the expectations of the local superintendents of the C. P. R., who, like all railway men in the country between the Great Lakes and the Rocky Mountains, are invariably optimistic on the western grain crop. It also exceeded the expectations of the steamship owners in whose vessels the crop was to go to the lower lake ports in Ontario or to Buffalo; for as early as 1887 part of the stream of grain from Manitoba was finding its way in bond from Buffalo to the Atlantic ports of the United States.

During the grain year 1887–1888 the C. P. R. handled 15,000,000 bushels of wheat, oats and barley, as compared with 10,950,000 in the preceding year. A large part of this business, as in 1885 and 1886, originated in Ontario; and much of the grain from Manitoba figures twice in the grain statistics of the railway company, as is still the case when grain goes by

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rail to the head of the lakes, thence by water to Georgian Bay ports, and from these ports over the C. P. R. or the Grand Trunk Railway to Montreal, Quebec, Halifax, St. John or Portland. But the increase of 5,000,000 bushels in the wheat handled by the C. P. R. in 1887–1888 was due almost entirely to the unprecedented crop harvested in Manitoba; and at that time, and in fact until 1902, the C. P. R. was the only railway carrying grain from Manitoba to Fort William and Port Arthur.

In the prairie provinces the crop matures between August 15 and September 1. Threshing begins ten days after harvest. Few grain growers have granaries on their homesteads, and much of the grain, as it leaves the threshers, is carried to the country elevators at the nearest railway station. These elevators are of from 25,000 to 40,000 bushels capacity. Grain growers who use them—and nowadays ninety-nine out of a hundred grain growers ship through country elevators—are charged a cent and a half a bushel for the services rendered at the elevator. These services include weighing the grain, elevating it to bins, fifteen days' storage and transfer from bin to railway car.

Most grain growers in normal times are pressed for money at the end of the crop year. Grain is not stored for long at the country elevators. It is shipped for inspection to Calgary, Moose Jaw, or Winnipeg, as soon as cars are available; and from Winnipeg it is quickly on its way east to the head of the lakes. Taking one year with another, sixty-five per cent of the grain of Manitoba, Saskatchewan and Alberta is hurried to the terminal elevators at Fort William and Port Arthur in the first four months of the grain year. The pressure on the railways is enormous from about September 12 to the second week in December, when lake navigation is closed, and when, except for the thin stream of grain that goes over the C. P. R. to St. John, all eastward movement from the head of the lakes is stopped.

It is unfortunate for the grain growers that the eastward movement of grain should stop when the last steamer has cleared from Thunder Bay; for pressure on the railways, shortage of cars, blockades of grain between Winnipeg and Fort William, and congestion of grain at the head of the lakes, tend

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to depress prices. It was estimated by Mr. John Kennedy, of Winnipeg, a director of the Grain Growers' Grain Company, that grain growers lost seven cents a bushel in the grain year 1913–1914, owing to the seasonal and transport conditions that govern the handling and marketing of western grain.

Exceptional conditions prevailed all through the grain year 1913–1914. These were due to the collapse of the extensive real-estate boom of 1907–1912, the industrial and commercial depression all over the Dominion that began in 1913, and the decline in immigration in the last six months of the year. As a result of these conditions, grain growers in the early weeks of the grain year 1913–1914 were pressed by their creditors—banks, mortgage companies, farm-machinery companies and store-keepers—as western grain growers had never been pressed before. The pressure caused feverish activity in the marketing of grain; and before navigation closed in December 1913, seventy per cent of the grain crop was out of the country elevators, and had either reached the head of the lakes or was on its way there. Pressure to get the crop to Fort William and Port Arthur is as old, however, as are the routes by which western grain reaches tidewater. With variations in intensity it has been continuous since the bumper crop of 1887.

The aggregate capacity of all the elevators at Fort William and Port Arthur in 1916 was 45,000,000 bushels. But the increase in grain production in Saskatchewan and Alberta has in recent years—1906–1917—been larger than the increase in the aggregate capacity of the terminal elevators. To relieve the congestion, grain has been carried in some years in bond to elevators at Duluth; and officials of the Canada Grain Commission have been temporarily established at Duluth to supervise the reception and storage of the Canadian grain, and to see it started down the lakes to Buffalo or Montreal when navigation opened in the spring. In each of the grain years from 1911–1912 to 1916–1917, moreover, large quantities of grain were stored in winter in steamers laid up in the Kaministiquia river at Fort William. In the winter of 1912–1913, 13,000,000 bushels of grain were loaded into vessels laid up in the river. In 1913–1914, the quantity so stored was 7,400,000 bushels;

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and this use of idle tonnage during winter months is likely to be to a greater or less extent a permanent one; for so long as there is land in Manitoba, Saskatchewan and Alberta available for homesteads, experience suggests that elevator capacity at the head of the lakes is not likely to keep pace with the increase in the grain crop.

Manitoba wheat crops in 1888 and 1889 were much below that of 1887. The quantity of grain from Ontario and Manitoba handled by the C. P. R. in 1889 fell to 13,800,000 bushels. But another large crop came in 1890. The production of wheat in Manitoba and Assiniboia in this year was 6,630,000 bushels; and the total grain handled by the C. P. R. for the first time in the history of the pioneer transcontinental line exceeded 20,000,000 bushels. In 1888 the C. P. R. built a second elevator at Fort William. A third was added in 1889; and when the grain crop from Manitoba and Assiniboia began to reach Fort William and Port Arthur in 1890 there were four elevators of an aggregate capacity of 3,600,000 bushels at which it could be received. Extensions to the C. P. R. elevators in 1891 brought the total capacity up to four million bushels. With the exception of King's, the first elevator at Port Arthur, all the elevators in commission in 1891 were owned by the C. P. R.; and until 1902 the Canadian Pacific was the only railway company in Canada whose equipment included elevators at the head of the lakes, steamers for carrying grain to the lower lake ports of Ontario, and elevators at these ports for transferring grain from lake steamers to railway cars.

The Canadian Northern Company, now a transcontinental line, known in Canada as the Mackenzie and Mann system, was originally a Manitoba undertaking. It was not until 1902 that it connected Winnipeg with Port Arthur, which is the lake terminal of the Canadian Northern Railway, as Fort William is of the Grand Trunk Pacific Railway and the C. P. R. In 1902 there were six elevators on Thunder Bay, in addition to that of the C. N. R. They were of a total capacity of 7,000,000 bushels, and all except King's at Port Arthur were owned by the C. P. R., which had built its fifth elevator at Fort William in 1897.

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In the same year the C. P. R. built a second elevator at Owen Sound of 1,000,000 bushels' capacity. Here grain from Fort William, carried in steamers too large for the canals, was transferred to cars for conveyance over the Ontario lines of the C. P. R. to Montreal or St. John. In the year 1901–1902—the first year that the C. N. R. had access to the head of the lakes—the grain handled by the C. P. R. west of Lake Superior, and in Ontario, Quebec and New Brunswick, amounted to 53,000,000 bushels, as compared with 33,000,000 in 1900–1901. The whole of the increase came from Manitoba and the Northwest Territory.

This, however, is anticipating. It was 1899 before the stream of wheat going through the elevators at Fort William and Port Arthur exceeded 10,000,000 bushels. From 1887 to 1898 the receipts of wheat at the head of the lakes varied from 2,183,350 bushels in 1888 to 9,042,800 in 1897. Receipts were short of 8,000,000 bushels in 1898. In the grain year 1899–1900, the year in which grain from what is now the province of Saskatchewan began appreciably to swell the stream from the prairie country to the head of the lakes, receipts of wheat suddenly mounted up to 26,258,710 bushels; and in 1902–1903, when the C. N. R. began to deliver grain at Port Arthur, receipts of wheat reached nearly 52,000,000 bushels. Not all of this wheat, after it had been shipped out of the elevators at Port Arthur and Fort William, was again handled by the C. P. R. or was carried by the G. T. R.; for 14,000,000 bushels of it were exported from the United States by way of the Erie canal and the railways that tap the transfer elevators at Buffalo.

The Canadian Northern has its elevator at Port Arthur. At the time it first came into service, the elevator had a capacity of 1,250,000 bushels; but by 1916, when the C. N. R. was carrying grain from 136 stations in Manitoba, 239 in Saskatchewan, and 70 in Alberta, the capacity of the Port Arthur elevator had been increased to 9,000,000 bushels. It was then the largest elevator at the head of the lakes, the largest at any grain port on the North American continent. From 1883 to 1902, all the grain that came down the lakes reached Fort William and Port Arthur over the C. P. R., which in these

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twenty years of the pioneer period of Manitoba, Saskatchewan and Alberta was the only trunk line west of North Bay. From 1902 to 1909 transport west of Port Arthur was divided between the C. P. R. and the C. N. R. The largest share of the grain trade in these years went, as it does today, to the C. P. R., because this railroad served the larger area of the grain-producing country. In 1916 the pioneer line was tapping country elevators at 174 stations in Manitoba, 349 in Saskatchewan, and 169 in Alberta.

The Grand Trunk Pacific, which like the C. P. R. and the C. N. R. traverses all the prairie provinces, came into the grain business at Fort William in the autumn of 1909. As part of its terminal equipment it has an elevator of 5,750,000 bushels capacity which is so designed that it can be enlarged to store 40,000,000 bushels. In 1916–17 the G. T. P. R. carried grain from 17 stations in Manitoba, 144 in Saskatchewan, and 39 in Alberta. In association with the Grand Trunk, which serves Ontario and Quebec, and owns a line from Montreal to Portland, the Grand Trunk Pacific was also operating two elevators of a combined capacity of 2,400,000 bushels in Montreal.

All the building of terminal elevators in the period from 1885 to 1902 was done by railway companies; and in 1918 of the total elevator capacity at the head of the lakes nearly one half—22,250,000 bushels—is of the terminal equipment of the three transcontinental railroads. Grain dealers and millers established elevators at Fort William and Port Arthur between 1902 and 1912; and the number of elevators at these ports stood at twenty-two when early in the grain year 1913–1914 the Canada Grain Commission—a subdivision of the department of trade and commerce that since 1912 has administered the grain code—took over a new elevator at Port Arthur of 3,500,000 bushels' capacity that had been built for the Dominion government. The building of this elevator, and its operation by the Grain Commission, is as much a landmark in the history of the grain trade as the crop of 1887. It is a landmark in the political and economic history of Canada second in importance only to the adoption of the national policy by the Conservative government of 1879, or the support by the Dominion government of the building of the C. P. R. between 1881 and 1886.

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The operation of the grain elevator by the Canada Grain Commission constituted a departure in government policy. From 1896 to 1914 the railway department at Ottawa had owned transfer elevators in eastern Canada—at St. John, Halifax and Port Colborne—and the Montreal harbor commissioners had owned elevators since 1904. In western Canada the Dominion government since 1885 has exercised an increasingly close supervision of the grain trade; and since 1879 it has been the policy of the government to aid many industries by the tariff, and others with bounties and subsidies, in addition to tariff protection.

Until 1913–1914, however, the ownership and operation of country elevators in the prairie provinces and of terminal elevators at the head of the lakes had been left to private enterprise, or to the three great railway companies that since 1883 have served the grain-growing provinces. In 1911, when the Laurier government was in office, and again in 1912, after the Borden government had succeeded to power, parliament at Ottawa determined that terminal and storage elevators were public utilities, and as such should be owned and operated by the government. In pursuance of this policy, to which both parties in Dominion politics were impelled by the continuous agitation of the grain-growers' associations of Manitoba, Saskatchewan and Alberta, the Port Arthur elevator was built in 1912–1914; and in 1914 large terminal elevators were also built by the Dominion government at Port Nelson and Vancouver, and storage elevators of splendid equipment at Moose Jaw, Saskatoon and Calgary.

Briefly told, this is the history from 1883 to 1914 of the great terminal elevators at the head of the lakes, of the growth of Port Arthur and Fort William as centers of railway and harbor activity, and of the grain-handling business that gives these two cities their national and international importance in the transport world.

Grain goes down the lakes from April to December. In these nine months, when the barometer of trade in Canada is at Port Arthur and Fort William, coal and heavy freight go up the lakes. All the year round this freight from eastern Canada

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and from the United States is moving westward from Port Arthur and Fort William by rail—some of it to towns and villages as far inland as the foothills of the Rocky Mountains. There are seasons in the summer and autumn when coal from Ohio, Indiana and Pennsylvania is going westward at the rate of 600 car loads a day, and when grain cars are coming in over the three lines of railway from Winnipeg and other grain-inspection centers in even greater numbers.

Until 1915, when the Grand Trunk Pacific and the Canadian Northern began to run through trains from Montreal and Toronto over routes which do not touch Thunder Bay or traverse the northern shore of Lake Superior, scarcely an immigrant from eastern Canada, from the United Kingdom or from continental Europe went into western Canada by any other route than the C. P. R., or without passing through Port Arthur and Fort William. Travel to the Orient by C. P. R. steamers from Vancouver goes the same way. So does holiday tourist travel; and if tourists go by the C. P. R. steamers on the Great Lakes, it is at Port Arthur or Fort William that they disembark to continue their journey westward by rail to Alberta or British Columbia. Better than in any other city in Canada, it is possible at Port Arthur or Fort William to feel the pulse of trade —to watch the incoming of the grain trains, the outgoing steamers laden with grain, the movement of freight westward, and the tide of immigration into the four western provinces—immigration on which, since the C. P. R. first connected the Atlantic and Pacific coasts in 1886, the prosperity of the Dominion has so largely depended.

With three transcontinental railways competing for long-distance eastward and westward traffic, part of the passenger travel that from 1883 to 1914 went through Port Arthur and Fort William may go over lines that have been built over the "bridge" to the north of the pioneer line. But the principal grain and freight terminals of the three grain-growing provinces—provinces in which in 1916 there were nearly 23,000,000 acres under grain—must be at the head of the lakes. As long as so much of the prosperity of Canada depends in the last analysis on the stream of grain passing along the national

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route, the barometer of trade must consequently remain on the magnificent water-front at Fort William and Port Arthur.

3. The Lower Lake and Tidewater Ports

At Ontario ports on Georgian Bay, Lake Huron and the St. Lawrence at the opening of the grain year 1916–1917, there were fourteen elevators, all, with the exception of two which belonged to milling companies, transferring grain from Port Arthur or Fort William either to canal steamers or to barges for Montreal and Quebec, during the navigation season, or to the Canadian Pacific or Grand Trunk railways for transportation to Montreal, Quebec, St. John, Halifax or Portland, during the five months when the St. Lawrence is closed by ice. The following table gives their location and capacity.

Port	*No. of Elevators*	*Capacity in bushels*
Port McNicoll[1]	1	4,200,000
Collingwood	1	150,000
Depot Harbor	1	2,000,000
Midland	1	1,000,000
Tiffin	2	3,400,000
Goderich	2	1,800,000
Port Colborne	2	3,500,000
Kingston	3	1,550,000
Prescott	1	1,000,000
Totals	14	18,600,000

During navigation season grain from all these transfer ports goes by rail or by canal exclusively to Montreal or Quebec. In the twenty years that preceded the war by far the greater part of it went to Montreal; for while there was an elevator at Quebec as early as 1888—an elevator of 250,000 bushels' capacity built by the C. P. R. as part of its grain-route equipment—Quebec in 1914 handled only 1,094,000 bushels of grain, as compared with 74,000,000 bushels which went through the elevators of the harbor commissioners and the Grand Trunk at Montreal.

[1] Owen Sound, the grain port created by the C. P. R. in 1885, has no place in this table of transfer elevators at the lower lake ports. It disappeared from the map of the national grain route in 1912, the year in which the C. P. R. removed its transfer business to Port McNicoll.

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With the deepening of the St. Lawrence ship channel, Quebec gradually receded from its position as the most important port of British North America. Its pre-eminence passed to Montreal in 1886, and Quebec made no sustained effort to regain its importance on the grain route until 1913. In that year the equipment of the old elevator—now owned by the harbor commissioners—was remodeled. A pneumatic reversible conveyor, the first of the type to go into service in Canada, was also installed. Its capacity is 8,000 bushels per hour. The elevator was also equipped with reversible machinery for unloading grain from lake and canal vessels, and loading grain into ocean steamers. While these improvements were making on the old elevator, now chiefly used for handling grain *en route* for the Maritime Provinces over the Intercolonial Railway, or for stations in the Province of Quebec on the Grand Trunk and Quebec Central railways, a new elevator of 1,000,000 bushels' capacity was in building at the Louise basin. There was also added a grain-transfer boat for loading out in the harbor the larger Atlantic steamers which do not go into the Louise basin; and at the end of the St. Lawrence navigation season of 1917, Quebec ranked third among the Atlantic ports of the Dominion in elevator capacity and facilities for loading grain carriers into ocean steamers.

Elevators of great capacity designed for handling grain from lake and canal steamers, as well as grain that comes over the railway from Georgian Bay ports, and for loading ocean steamers as well as railway cars, were necessary with the new era in grain transportation at Montreal that began in 1902 when there were fourteen feet of water in the St. Lawrence canals and thirty feet in the ship channel. Confronted with the new opportunities resulting from these great and costly improvements in the national grain route, and from the great increase each year in the quantity of grain passing through the elevators at Fort William and Port Arthur, one of the problems of the harbor commissioners was the delivery of grain to ocean steamers at their regular berths. Captains and agents of steamers of transatlantic mail and passenger lines object to the cost, delay, and risk of moving a large steamer from her berth

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to a wharf or elevator. Tramp steamers will go to any ordinarily safe berth for a full cargo of grain; but mail and passenger steamers out of Montreal carry package freight, such as flour and cheese and canned goods, as well as grain; and if part of the cargo is to be 200,000 or 250,000 bushels of grain, the experience of Montreal, before the elevators of the Harbor Commission were built, was that this grain must go into the holds of the steamers while they were loading package freight at their regular berths.

Floating transfer elevators in the old days of the nine-foot canals met the needs of the grain trade at the port. Half a dozen of these old-timers were still in commission or in half-commission in 1918, ready to transfer occasional barge loads of grain to ocean liners that could not be placed at any one of the eighteen or nineteen berths at which grain is delivered from one or other of the two elevators now owned and operated by the harbor commissioners. Overside loading of grain, a practice at Quebec until the port was equipped with a modern elevator in 1914, is almost as much of the past at Montreal as carrying grain from railroad cars to steamers in wheelbarrows at the head of the lakes. Montreal, the most important grain seaport of the Dominion, and in 1918 the largest grain port on the North American continent, has quite outgrown the days of barges. To maintain its supremacy it is compelled to meet keener competition than any other port on the Atlantic seaboard. Insurance rates have long been a handicap. It has also one permanent handicap—a season that lasts only seven and a half months—that burdens no other large port in the English-speaking world, with the sole exception of Quebec.

For grain transport, Montreal, since the western grain route began to be developed in 1883, has had to meet the competition of New York, Philadelphia, Baltimore and Newport News. At these United States ports, in normal years, there are many more tramp steamers "going wild," as lake vesselmen describe carriers that are "gunning for charters," than there are at Montreal. Consequently from the time that thirty feet of water in the ship channel made Montreal possible for steamers of 15,000 tons, it was the aim of the harbor commissioners to

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instal an elevator and conveyor system much more economical and expeditious than the floating elevators, and one which would permit the delivery of grain at every berth regularly used by mail and passenger steamers.

The first of the modern elevators at Montreal designed for unloading steamers of the canal and lake fleet and railway cars, and for loading ocean steamers and railway cars, was built, not by the harbor commissioners, but by the Grand Trunk Railway Company. It was erected in 1903–1904, about the time parliament granted a charter to the Grand Trunk Pacific Company, and also large subsidies toward the construction of the Grand Trunk Pacific line from Winnipeg to Prince Rupert, and likewise authorized the government to build and lease to the G. T. P. R. the transcontinental railway from Winnipeg to Moncton, New Brunswick, where a junction is made with the Intercolonial Railway. At this time—1903–1904—no part of the grain trade west of Port Arthur originated on lines owned by the Grand Trunk. The company had no railways west of North Bay; and all the grain transport to Fort William and Port Arthur was in the hands of the C. P. R. and the C. N. R. The only part of the grain trade in which the G. T. R. was engaged was from Depot Harbor, Collingwood, Midland and other Georgian Bay ports to Montreal and Portland.

The Grand Trunk elevator at Montreal, as originally constructed, was of 1,000,000 bushels' capacity—a capacity that was increased in 1913 to 2,500,000 bushels. It is at Windmill Point, on a neck of land between the last tier of locks on the Lachine canal and the magnificent freshwater basin in which steamers from Swansea and Cardiff unload anthracite coal, where tramp steamers take on grain, and liners, tramp and lake steamers load bunker coal. The conveyor gallery at the Grand Trunk elevator is 3,000 feet long, and is designed to load two ocean steamers at the same time.

The Harbor Commission—a board created in 1830, whose members are nominated by the Dominion government—also built its first elevator in 1903–1904. It is on King Edward pier. Originally it was also of 1,000,000 bushels' capacity; but by 1912 its capacity had been increased to 2,500,000

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bushels; and in 1914, further additions were made which brought it up to a capacity of 4,500,000 bushels. No. 1 elevator, as it is called by the harbor commissioners, was in use for part of the navigation season of 1904. In 1905 it handled nearly 4,500,000 bushels. The next two years—1906–1907—were disappointing for the harbor commissioners' first large venture in equipment for grain-handling. Less than a million bushels were loaded into ocean steamers from elevator no. 1 in 1906; and in 1907 the quantity was only 1,078,289 bushels. The elevator was then of 1,000,000 bushels' capacity. It had cost $1,000,000.

The charges for handling grain were three mills a bushel for elevating and weighing; three mills for twenty days' storage and delivery into steamers; and two mills for shoveling and trimming of vessels. These charges covered the handling of grain from the time the hatches of a lake carrier were removed at the marine legs of the elevators until the grain was in the hold of the ocean steamer. The charge for handling grain received in railways cars was a little less than for grain coming into the port in steamers; in part because the equipment for elevating grain from cars is in use all the year round; while the marine legs—mammoth and costly tools—are out of service from December to May. Based on these charges the total earnings of no. 1 elevator in 1907 were only $8,000. Its operation during the year entailed a loss of $40,000.

These were two critical years for grain transport at Montreal. Much was heard in Montreal of the competition of the Buffalo-New York, Philadelphia and Baltimore routes, and its drain on business that should accrue to the Canadian national route. In the winter of 1907–1908 industry and business were much depressed, and the Dominion experienced its only check of the first decade of the twentieth century. Conditions at Montreal improved after navigation opened at the end of April 1908. During that season the use of canal barges as floating grain warehouses came to an end. The old floating transfer elevators were being superseded by the marine legs, the conveyor system of the G. T. R. and the harbor commissioners' elevator; and in 1908, 8,661,356 of the 29,705,727 bushels of grain exported from Montreal went through the harbor commissioners' elevator.

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The effect of the Dominion government elevator at Port Colborne in diverting grain transport from Buffalo to the national route became evident in 1909. In that year 48,000,000 bushels of wheat from Manitoba, Saskatchewan and Alberta passed through the canals at Sault Sainte Marie; of which 25,000,000 bushels were loaded into ocean steamers at Montreal. Nearly half of this quantity—11,691,071 bushels—was delivered into steamers from the harbor commissioners' elevator; and in 1910 the pressure on no. 1, on the G. T. R. elevator, and on the old-type elevators at the C. P. R. terminal at Place Viger that were in use from 1885 to 1912, was so great, and it was so evident that the pressure must continue, that the harbor commissioners began work on a second elevator at Victoria pier.

Elevator no. 2, like that at King Edward pier, is of reinforced concrete. It covers an area of 456 by 100 feet. It is in two sections. The main house has a storage capacity of 1,772,000 bushels, and the annex of 850,000 bushels. The main house, sometimes described as the working house, is 314 feet long, 100 feet wide, and under its roof, which is 244 feet above the foundations, there are 40 square bins, 86 feet deep. The annex is 142 feet long and 100 feet wide. No. 2, like no. 1 and the elevator at Windmill Point, is designed to handle grain that comes in by rail all the year round, as well as grain coming into the port from May to December by lake and canal steamers. For unloading from vessels there is a double marine tower, 250 feet high, on a pier extending out 400 feet into the basin. There are two marine legs, one on each side of the pier, each with a capacity of 20,000 bushels an hour. Two lake vessels can be unloaded at the same time. The two elevators in 1918 had a storage capacity of 6,600,000 bushels, with an aggregate unloading capacity of 1,350,000 bushels a day.

Part of the grain received at these two elevators goes out during the winter by rail to Halifax and St. John; and part of that received at the Windmill Point elevator goes by rail to Portland. Some of the grain at the harbor commissioners' elevators is for delivery to mills in the neighborhood of Mon-

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treal; and occasionally there are shipments in bags to oversea ports at which there are no elevators. But ninety per cent of the grain received at the elevators goes, in normal years, into ocean steamers for Liverpool, London, Glasgow, Bristol, Manchester, Hull, Leith, Cardiff, Dublin and Dundee, and for Antwerp, Havre, and other European ports. For loading these steamers there is an overhead-conveyor system of magnificent proportions. It is designed to serve both of the harbor commission elevators—1,000 feet apart—and from the galleries grain can be delivered at any of the nineteen loading berths at the Alexandra, King Edward, Jacques Cartier, and Victoria piers. The galleries are three miles long.

The conveyor system at the G. T. R. elevator, to which steamers go for full cargoes of grain, is much less elaborate than that which is of the equipment of the Harbor Commission elevators. At Windmill Point the elevator is parallel with the loading berth, and the conveyors deliver to only two steamers at the same time. The maximum capacity of this equipment is 350,000 bushels a day. Including the nineteen grain berths at the piers east of Windmill Point, and the canal basin, there were in 1918 twenty-one berths at which ocean grain carriers—liners or tramp steamers—could take on their cargoes from conveyor galleries. Nothing but grain is loaded at the wharf on which the Windmill Point elevator stands; but at all the berths served from the Harbor Commission elevators, package freight and lumber can be loaded simultaneously with grain. At most of the nineteen berths grain can be loaded at the rate of 15,000 bushels a minute; and there are berths at which grain can be poured into the holds of steamers at the rate of 30,000 bushels a minute.

Navigation on the St. Lawrence is seldom open longer than December 15. From then to about April 25, grain from Montreal goes by rail to Halifax, St. John and Portland by the Intercolonial, the C. P. R. and the G. T. R. Halifax is the most distant of the tidewater grain ports from the grain-growing country west of the lakes.

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4. The Distribution of Elevators on the National Grain Route

There were in the grain year 1916–1917 on the four railway systems that are of the national grain route—the C. P. R., the G. T. R. and G. T. P. R., the C. N. R. and the Intercolonial—1,400 stations at which there were grain elevators of various descriptions, all worked under licenses issued by the Canada Grain Commission from its headquarters at Fort William. There were 3,360 elevators in commission; and this chain of country elevators, flat warehouses, millers' elevators, hospital or drying elevators, terminal elevators and transfer and storage elevators—with only the Collingwood link in existence previous to 1884—extended in 1918 from Halifax and St. John as far inland as Nordegg, Alberta. Nordegg is 2,746 miles from Halifax. The accompanying table shows the distribution of the 3,360 elevators that in 1916–1917 were of the equipment of the national grain route.

	Stations	*Elevators*	*Capacity, bushels*
Manitoba—			
Country Elevators	352	672	21,250,000
Interior Hospital Elevators.	(2)	4	525,000
Interior Terminal Elevators	1	1	1,000,000
	353	677	22,775,000
Saskatchewan—			
Country Elevators	732	1,945	58,625,000
Interior Terminal Elevators	(2)	2	7,000,000
	732	1,947	65,625,000
Alberta—			
Country Elevators.	285	670	23,106,000
Interior Hospital Elevators.	(1)	2	280,000
Interior Terminal Elevators.	(1)	1	2,500,000
	285	673	25,886,000
British Columbia—			
Country Elevators.	6	9	527,000
Terminal and Public Elevators	(1)	2	1,266,000
	6	11	1,793,000
Ontario—			
Country Elevators.	(1)	1	40,000
Milling Elevators	2	3	1,700,000
Terminal Elevators	4	13	41,750,000
Hospital Elevators	2	13	3,575,000
	8	30	47,065,000

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Western Division	1,384	3,338	163,144,000
Public Elevators—			
Ontario	11	14	18,400,000
Quebec	3	5	10,000,000
New Brunswick	1	2	1,800,000
Nova Scotia	1	1	500,000
Eastern Division	16	22	30,700,000
Grand Total	1,400	3,360	193,844,000

The grain code, as the foregoing table indicates, maps the Dominion of Canada into two grand divisions. The western division, in which the Grain Commission exercises most of its various powers, and in which in 1918 it had a staff of 150 men and women, begins at Port Arthur, and extends to the Pacific coast. Port Arthur and Fort William form a subdivision of the western division. In the eastern division are all the licensed elevators in older Ontario, at Montreal and Quebec, and at Halifax and St. John. All the elevator capacity in the two divisions is in commission within two months after threshing begins in Manitoba, Saskatchewan and Alberta. Most of the equipment of the grain route is in service all the year round. The greatest pressure on it, as on the railways and lake carriers, is from September to December.

5. The Railways and Lake Tonnage of the National Route

Each grain year since 1888 has seen not only large increases in the elevator capacity of the railway companies, but also enormous increases in the equipment used in carrying the grain to the head of the lakes, and from the transfer ports in older Ontario to the seaboard. All three companies carrying grain from country elevators west of Winnipeg to Fort William or Port Arthur, when the grain year opens in September, press every available locomotive and box-car into service and add considerably to their working forces. At the beginning of the grain year 1913–1914—the last normal year in the Canadian grain trade—the C. P. R., which had then a little over 7,000 miles of main and branch lines in its Manitoba, Saskatchewan and Alberta divisions, assigned to grain transport west of the Great Lakes, 1,171 locomotives and 40,000 box cars—nearly

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half the total number of cars then in use on a system that extends from Vancouver to St. John, and of which the total mileage in 1914 was 13,280 miles. The C. N. R., which extended its lines to Port Arthur in 1902, had in 1913–1914 535 locomotives and 18,403 box-cars in the western grain service; and from September 1913 to the end of July 1914, one month less than the grain year, it delivered to flour mills in the prairie provinces 4,491,000 bushels of grain, to elevators at Fort William and Port Arthur 58,187,000 bushels, and at Duluth 5,056,000 bushels.

The Grand Trunk Pacific was the last of the railways to come into the grain-transport business west of the lakes. There were in the grain year 1913–1914, 252 country elevators on its lines west of Winnipeg; and when grain from the threshers began to reach these elevators in September 1913, and to pour into them continuously until navigation opened in May 1914, the G. T. P. R. had 240 locomotives and 8,500 cars available for the grain-carrying service to the head of the lakes.

The total equipment of the C. P. R., C. N. R. and G. T. P. R. used in handling the grain crop of 1913 was 1,946 locomotives and 66,900 box-cars. Not all these locomotives can be taken as representing grain trains. Some are in service continuously as switching engines at the larger railway centers, at which trains are marshaled and sent out to Winnipeg, and thence to the head of the lakes. Five men make up a switching crew—engineer, fireman, yard foreman and two switchmen. The crew of a grain train also consists of five men—engineer, fireman, conductor and two brakemen. Hence in the country west of Port Arthur, an army of nearly 10,000 well-paid men, the pick of the wage-earning classes as regards age and physique, intelligence and reliability, is employed for a large part of the year in moving the crop from the country elevators to the terminal elevators at Port Arthur, Fort William and Duluth.

All the grain that is not retained for seed or used at the 128 flour mills in the prairie provinces and British Columbia, passes through Winnipeg on its way to the seaboard or to the flour mills in Ontario and at Montreal. The only inspection station at which the certificates of the Grain Commission were issued

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in 1916–1917 were Calgary, Moose Jaw, Winnipeg, Fort William and Port Arthur. Most of the inspection is done at Winnipeg. The greatest pressure there comes in September, October and November. In the autumn of 1914 the press of work was greater than in any year in the history of the grain commission. For the three months—September, October and November 1914—the average number of cars inspected per hour was fifty-three. Inspectors were on duty seven days a week and twenty-four hours a day.

In addition to the army of 10,000 men engaged in transporting grain from the country elevators, and 3,000 men at work in these elevators in the prairie provinces, still another small army of men is employed at Fort William and Port Arthur in work incidental to the growing and transport of the western grain crop. These men are employed in marshaling the loaded cars at the elevators, in spotting, or placing cars at the elevators, in unloading into the hoppers, in transferring the grain from bin to bin to keep it in condition, in weighing the grain, in trimming it as it is delivered through the chutes into the holds of the lake carriers, and in loading the empty cars with freight that the grain steamers have carried up the lakes on their return trips from Montreal or the lower lake ports.

Much of this work is going on all the year round, for after navigation closes grain continues to come in for storage in the elevators or in steamers used as floating warehouses. But pressure on lake transport, as on the railways, is greatest from the second week in September to the close of navigation.

American vessels are more numerous in the grain fleet working up and down the lakes than vessels on the British or Canadian register. In the navigation season of 1911, 126 American steamers took cargoes at Port Arthur and Fort William, as compared with ninety vessels flying the British flag. The proportions were somewhat similar in the navigation season of 1913; for out of the 112,000,000 bushels of grain shipped from the head of the lakes in October, November and December of that year, 43,000,000 went down the lakes in Canadian vessels, and 69,000,000 in steamers on the lake register of the United States. Canadian vessels taking cargoes in these months num-

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bered eighty-eight. American vessels numbered 161. The Dominion navigation code does not permit American vessels to carry grain or any other cargo from Port Arthur or Fort William to Canadian ports; and between 1884 and 1911, the law was only twice suspended. No grain from Port Arthur and Fort William goes in normal years to the transfer ports in older Ontario or through the Welland and St. Lawrence canals to Montreal or Quebec in American steamers. The cargoes taken by these steamers at the elevators at Port Arthur and Fort William are for Buffalo, Oswego and other Lake Erie ports in the United States, from which the grain is carried by rail or canal to the American seaboard.

With the exception of Prince Edward Island, every province east of the Great Lakes shares in the work of moving the western grain crop, but owing to the fact that so many of the transfer ports are in Ontario, the greater part of the work falls to the central province. A little grain is produced in the country that lies between the western boundary of Ontario and Winnipeg, sixty miles west of the Lake of the Woods. The nearest railway station to the head of the lakes at which there are country elevators is Whitemouth, on the C. P. R., fifty miles east of Winnipeg, and 390 miles from Port Arthur. In all three provinces there are country elevators quite near to the international boundary line that divides Manitoba, Saskatchewan and Alberta from Minnesota, North Dakota and Montana. Prince Albert in Saskatchewan, and Nordegg in Alberta, both on the C. N. R., are the most northerly towns in the vast grain-growing area at which in 1916 there were elevators. Nordegg was then also the most westerly town from which grain was shipped over the national route. It is 1,475 miles from Port Arthur, and 2,951 from St. John; so that at some seasons of the year western grain is moving to tidewater over an all-Canadian route that is nearly three thousand miles long.

In addition to Port Arthur and Fort William there are in Ontario nine ports at which western grain is transferred either to barges or steamers of canal size or to railway cars for conveyance to the seaboard. With the exception of Port McNicoll, the new grain depot of the C. P. R., and Port Colborne, where

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the department of railways has one of its three elevators, the grain business at these Ontario ports was developed between 1885 and 1900, when there were only nine feet of water in the Welland and St. Lawrence canals.

Collingwood is the oldest of the Georgian Bay transfer ports. There have been elevators there since 1871. It was a transfer port in the days when grain from Minnesota and Dakota was carried from Duluth and Chicago to Ogdensburg by Canadian transport companies. Owen Sound was the first Ontario port on Georgian Bay to be developed by the western Canadian grain trade. It became a grain port in 1886, when the capacity of all the elevators at the head of the lakes did not exceed, 2,000,000 bushels, and when as yet grain transport west of the lakes, so far as the railways were concerned, was exclusively in the hands of the C. P. R. An elevator of 350,000 bushels' capacity was built by the C. P. R. at Owen Sound, which went into commission in the grain year 1885-1886. A second elevator of 1,000,000 bushels' capacity was built by the same company in 1897; and from 1886 to 1912 Owen Sound was the most important grain port in Ontario east of Lake Superior, and from it, after 1896, grain was carried all the year round by rail to Montreal and St. John. Port McNicoll, also on Georgian Bay, was created by the C. P. R. in 1910-1912. It affords a shorter and otherwise more economical route to Montreal than the Owen Sound route; and at Port McNicoll—named after Mr. D. McNicoll, vice-president of the C. P. R. from 1903 to 1914—there is now the largest elevator east of Port Arthur. It is of 4,200,000 bushels' capacity. Through it passes a large proportion of the western grain that reaches the United Kingdom by way of Montreal, Quebec, Halifax or St. John.

The Grand Trunk Railway was incorporated in 1853; and the Grand Trunk lines or lines that are now of the Grand Trunk system, were handling grain and flour for export long before 1883, when grain from Manitoba began to be a factor in the export trade of the Dominion. Grain shipped from Chicago over the old Collingwood-Toronto-Ogdensburg route went from Collingwood to Toronto over the line that is now part of the Grank Trunk System. Sarnia, on the St. Clair River, in the

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early days of the Grand Trunk, was also a port at which there was a large grain business. It was not, however, until 1897 that the Grand Trunk got well into the western grain business, and began carrying large quantities of wheat and oats to the seaboard from transfer elevators at Depot Harbor, Midland, Collingwood, Owen Sound, Goderich and other ports on Georgian Bay and Lake Huron, and from Port Colborne on Lake Erie.

To all these Ontario ports grain comes down the lakes from Port Arthur and Fort William in steamers too large for the Welland and St. Lawrence canals. In summer and autumn when navigation on the Great Lakes and the St. Lawrence is open, western grain from the transfer elevators at these ports is carried over the Grand Trunk to Montreal, to the Grand Trunk elevator at Windmill Point. After navigation is closed in December it goes from Montreal by the Grand Trunk line to Portland, which is 300 miles from Montreal, and 1,776 from the head of the lakes. Portland has been a shipping point for Canadian grain from at least as early as 1872, when the Grand Trunk built an elevator of 140,000 bushels' capacity on Galt wharf. This is the smallest terminal elevator of the equipment of the Canadian grain route. But when it went into service the population of the Dominion was not more than 3,500,000. There were then not more than 60,000 people in what are now the grain-growing provinces; only 36,000,000 acres of land in the Dominion were occupied; and Ontario was the only province exporting grain and flour. The only public terminal or transfer elevator in Canada at this time—1872—was that at Collingwood; and in the decade after Confederation in 1867, grain exports from the Dominion never exceeded 21,000,000 bushels.

The Grand Trunk elevator at Portland sufficed until 1897, the year when the company began carrying Manitoba grain from Georgian Bay ports to Montreal and Portland. A second elevator of 1,000,000 bushels' capacity was built in that year, and in 1902—when the exports of grain from Canada reached 35,000,000 bushels—the old elevator was replaced by one which has a storage capacity of 1,250,000 bushels. No wheat for export is grown in Maine, or in any other New England state.

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The elevators of the Grand Trunk are the only elevators at Portland; and the importance of Portland as a grain port dates only from 1897, when the second Grand Trunk elevator there went into commission. In 1914, 11,500,000 bushels of Canadian grain were exported from Portland. Ninety-five per cent of it was from the provinces west of the Great Lakes, and was shipped from Port Arthur and Fort William to Georgian Bay ports in Ontario, and carried thence over the Grand Trunk to Portland.

6. *Competition of American Ports for the Canadian Grain Trade*

Thirteen years before a single bushel of Manitoba wheat had come down the lakes from Port Arthur, it was foreseen in Toronto and Montreal that as soon as Manitoba and the Northwest Territory began to be developed, the route from Port Arthur—then known as Prince Arthur's Landing—to Buffalo and thence to New York, must be a strong, persistent and successful competitor with the route through the Welland canal to Montreal and Quebec. Wheat and corn had been going from Chicago and Duluth to Buffalo from the time Illinois and Minnesota began to export wheat; and for transfer business Buffalo was the best equipped of all the lower lake ports.

The canals and lake and tidewater ports of Ontario, Quebec, New Brunswick and Novia Scotia were the subject in the autumn of 1870 of an exhaustive inquiry by a royal commission appointed by the government of Sir John A. Macdonald. The late Sir Hugh Allan of Montreal, the foremost Canadian authority of his day on canal and ocean transport, was chairman of the commission; and its report, dated February 24, 1871, affords more detailed first-hand information concerning the domestic and external commerce of Canada—its grain and flour trade, its lumber and coal industries, and its transportation equipment in the first decade of the Dominion—than any other examination of these conditions at that time or later which has yet been published.

As soon after Confederation as 1870 there were far-seeing men in the grain and fowarding business at Montreal and

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Toronto who realized, not to the full, but with some measure of completeness, the possibilities of the vast territory that Canada had acquired from the Hudson Bay Company in 1869. These men, who were of the grain and transport business in the days of small things, when the largest elevator on the grain route had a capacity of no more than 100,000 bushels, when a lake steamer of 400 tons was regarded as a large vessel, realized the possibilities of the country beyond the Great Lakes for the Dominion and for the empire, although in 1870 this word was not yet of the language in the sense in which it is now applied to Great Britian and her colonies and oversea dominions.

These men submitted their views to the Allan Commission—a commission that took the first steps toward the development of the national grain route. It was, in fact, the Allan Commission that gave the name of "the national grain route" to the route by which the products of Manitoba, Saskatchewan and Alberta reach the Atlantic seaboard from Port Arthur and Fort William. The purpose of the commission is to be found in the terms of the reference. It was instructed to recommend "a thorough and comprehensive improvement of the canal system on such a scale, of such a character, as would best tend to afford ample facilities for the expansion and due development of the growing trade and commerce of the Dominion." The existence of a competing route—via Buffalo and New York—was conceded in the reference, in a paragraph in which the commission was instructed to

> consider the whole subject in all its bearings, as well in a commercial as in an engineering point of view, with the object of obtaining such reliable information thereupon as may furnish the data on which to base a plan for the improvement of the canal system of the Dominion of a comprehensive character, and such as will enable Canada to compete successfully for the transit trade of the great western country.

The commission recommended the further deepening of the ship channel from Quebec to Montreal; the construction of a canal at Sault Sainte Marie to free the Dominion from dependance on the American canal and lock; and the the enlargement of the Welland and St. Lawrence canals, urging as regards these

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canals that there should be fourteen feet of water in all of them, and that the locks should be of uniform size.

The investigations of the commission covered the entire canal and port system of Canada. In view of the population and developed resources of the Dominion in 1870–71 the recommendations of the commission were remarkably bold; for the commissioners urged an estimated expenditure of $19,170,000 on improvements and new works. On improvements to the canals and waterways of what is now the national grain route they recommended an expenditure of $12,250,000; for the new canal at Sault Sainte Marie, $500,000; enlargement of the Welland canal, $6,550,000; enlargement of the St. Lawrence canals, $4,500,000; and deepening of the ship channel from Quebec to Montreal, $800,000.

Not all the improvements recommended were at once undertaken. An immediate outlay of $20,000,000 was not possible in 1871. Canada, with its small population, was then beginning to face the task of building the Intercolonial—the government-owned railway that connects St. John and Halifax with Montreal; and by the terms on which British Columbia had come into confederation the Dominion was also committed to the much more costly undertaking of connecting Montreal by railway with the Pacific coast. Work was begun on the St. Lawrence canals in 1873, but some of the improvements were not undertaken until seventeen or eighteen years after the Allan Commission formulated its plan. It was 1895 before there was a Canadian canal at Sault Sainte Marie. It was 1901 before there were fourteen-foot waterways through the Welland and St. Lawrence canals; and 1902 before there was a uniform depth of thirty feet in the ship channel from Quebec to Montreal. The years of greatest expenditures on the national grain route were from 1885 to 1902. In this period of seventeen years the canal and locks at Sault Sainte Marie were constructed at a cost of nearly $5,000,000; the Soulanges canal was built at a cost of $7,696,000; and in these years the St. Lawrence canals and the ship channel of the St. Lawrence were all deepened.

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7. Expenditures on the National Route Since Confederation

The year preceding the war saw the beginning of another improvement to the Welland canal—an improvement that is to make the canal available for the largest steamers on the lakes; and before a beginning was made on this work in the summer of 1914—work that is to cost $32,000,000—there had already been expended on the inland waterways of the Dominion $105,000,000. By far the greater part of this vast expenditure was on the canals of the national grain route. Between Confederation and the war, $56,000,000 had been spent on the canals; and this amount did not include the money spent in the same period on the ship channel from Quebec to Montreal, on harbor improvements at lake and tidewater points on the grain route, on dry docks, and on government elevators at Halifax, Montreal and Port Colborne, all built since 1896; and west of Sault Sainte Marie on elevators at Port Arthur and Moose Jaw and other cities in Canada beyond the Great Lakes, at which since 1912 the Dominion government has been embarked in the business of handling and storing grain.

In the last years of this period from 1867 to 1914, proof was forthcoming that this great expenditure on improving and developing the national grain route had been wisely made—(1) in the place taken by Montreal in the navigation season of 1914 among the grain ports of the entire Atlantic seaboard, and (2) in the fact that in this year 74,000,000 bushels of Canadian and American grain were exported from the port. In the fiscal year 1868–1869, the year before the Royal Commission on the Dominion Canals made its report and recommended the policy that has since been followed by both Conservative and Liberal governments, the total exports of grain from the Dominion were a little short of 9,250,000 bushels, and of this quantity were the wheat and maize from the United States that went from St. Lawrence ports, and 4,500,000 bushels of barley from Ontario and Quebec that went to the United States.

Since canal tolls were abolished in 1901, interest on loans for the canals and the repayment of loans have been a charge on the people of the Dominion. Except for the excess-profits

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tax—a war measure adopted in 1916—and an income tax imposed in 1917, the Dominion government levies no direct taxation. But either through the tariff, or through internal-revenue imposts on liquor and tobacco, every Canadian contributes his quota to the cost of the national grain route. In the years before the development of Canada beyond the Great Lakes, when the stream of immigration diffused itself chiefly over Ontario, and when only the grain of Ontario and of the western states was carried over the national grain route, it was a complaint with the Maritime Provinces—provinces that were then quite stagnant—that they derived no advantage from the expenditures on the canals in Quebec and Ontario.

Not much was heard of this complaint after 1896, when grain began to be exported from St. John. It had died away before the opening of the new century; for from 1884, when wheat from Manitoba first flowed into the stream of grain for export, progress in many industries in Canada besides those directly connected with grain growing and grain transport, depended on grain growing and grain handling in its varied forms. The sugar refineries of Halifax and Montreal, the coal mines of Nova Scotia and British Columbia, the saw mills of British Columbia, Ontario, Quebec and New Brunswick, the cotton mills of St. John, Halifax, Montreal, Valleyfield, Cornwall and Hamilton, the ready-made-clothing industries of Toronto, Hamilton and Montreal, were all largely dependent on the extension of the area under grain in the prairie provinces. The same is true of the railway and shipping companies, of the stock exchanges of Montreal and Toronto, and of the banking houses of the three great financial centers of the Dominion—Halifax, Montreal and Toronto. It is, indeed, no exaggeration to say that today there is scarcely a retail store from Vancouver to Halifax the volume of whose trade is not directly or indirectly affected by an increase in the trade of the national grain route.

It is not maintained that the deepening of the St. Lawrence and Welland canals and of the ship channel to Montreal, the construction of a canal and a lock at Sault Sainte Marie, and the provision of first-class elevator and dry-dock facilities, have achieved all that was expected at the time a beginning was

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made with these costly works. Such a claim cannot be made in view of the fact that in the navigation season of 1917 93,000,000 bushels of wheat and oats from the prairie provinces reached the Atlantic seaboard by way of Buffalo as compared with 103,000,000 bushels of wheat and oats that went over the national grain route to mills in Ontario or to the Atlantic seaboard of the Dominion. But what has been achieved since 1884 fully justifies the policy in regard to the national grain route that has been pursued at Ottawa since 1873. It is a loss to Canada that so much of the grain trade is diverted to Buffalo. It is a loss that is continually regretted, especially at Montreal and Quebec. But no action by the government at Ottawa that has so far ever been suggested could have overcome the difficulties Montreal, Quebec and St. John are confronted with, from the fact that the larger and more varied trade at ports in the United States from Boston to Newport News attract a larger number of steamers than are attracted to Canadian ports, and in particular a larger number of steamers of the class that are adapted to the transport of grain.

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THE BRITISH WAR CABINET

ACCORDING to Maitland, constitutional history should be "a history, not of parties, but of institutions, not of struggles, but of results." In attempting the following study in recent British constitutional history I have had this opinion in mind. I have made no effort to give an account of the work performed by the British War Cabinet, nor to explain in any adequate fashion why it was instituted. To recount its manifold activities would be to write a history of the conduct of the war on the part of Great Britain since it came into existence at the close of 1916, while to present a competent explanation of its establishment would involve consideration and appraisal of many factors and motives—military, economic, political and personal—that lie outside the domain to which it seems wise to confine constitutional history. This paper has no such ambitious purposes. It aims rather to discuss the new cabinet as an institution of government, and to show the principles upon which it appears to rest, in comparison with those which have generally been accepted as underlying British cabinet government in the past. The extraordinary alterations which the present war has wrought in the law and custom of the British constitution do, however, afford an impressive illustration of the historic process whereby political institutions are adapted to the changing needs of society, and may well remind the student of constitutional history that his subject, though it may be insulated from other phases of history for purposes of analytical description, is a part of the story of human society, and can never be explained by reference only to itself. Political institutions do not, in fact, "grow," like the lilies of the field or Topsy in *Uncle Tom's Cabin*, but are made and moulded by men, whether by meditated contrivance or through a process of subconscious adaptation.

Throughout the history of the English constitution, royal councils show a tendency to become over-large and unwieldy,

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and to form within themselves smaller councils or committees. Thus during the seventeenth century there appeared within the privy council, which in Tudor times had been the central, directing organ of the English state, and which had itself been developed from the earlier feudal assembly of the Anglo-Norman kings, a number of committees, of which the cabinet became by far the most important.[1] The privy council still exists, but it now belongs to what Bagehot called the "dignified," as distinguished from the "efficient," parts of the English constitution. It is rarely called together, and it has, as a whole, ceased long since to perform any political functions. The cabinet, on the other hand, has become the "Government" of England. When in parliamentary parlance the phrase "His Majesty's Government" is used, it refers to the cabinet of the day. But the cabinet itself exhibited the same tendency toward undue expansion that had characterized the privy council, and with a similar result. In the eighteenth century, in the days of Walpole and the Pelhams, informal "inner rings" can be discerned within the cabinet, composed of its most influential members.[2] With the growing use of these "conciliabula," as they were called by those familiar with their activities, meetings of the full cabinet became more formal and less frequent, and by the close of the eighteenth century they had ceased to be of any importance. In 1801, Addington, then prime minister, laid down the formula that "the number of Cabinet Ministers should not exceed that of the persons whose responsible situations in office require their being members of it,"[3] and throughout the nineteenth and early twentieth centuries membership in the cabinet was confined to ministers holding office under the crown.[4]

[1] Anson, Law and Custom of the Constitution, third ed., vol. ii, pt. i, ch. ii; E. R. Turner, "The Development of the Cabinet, 1688–1760," *Am. Hist. Rev.* vol. xviii, p. 751 *et seq.*; xix, 27 *et seq.*; "Committees of Council and the Cabinet," *ibid.*, vol. xix, p. 772 *et seq.*

[2] Anson, *op. cit.*, vol. ii, pt. i, p. 100 *et seq.*; Yorke, Life and Correspondence of Philip Yorke, Earl of Hardwicke, vol. i, pp. 177, 223, 228.

[3] Anson, *op. cit.*, vol. ii, pt. i, p. 105.

[4] Some of these offices, however, were sinecures, involving little or no departmental work; *e. g.*, those of lord privy seal, lord president of the council, chancellor of the duchy of Lancaster.

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Prior to the present war, that paradoxical personage, a "minister without portfolio" was all but unknown to the English constitution. During the past fifty years, however, there has again come about a marked increase in the size of cabinets, attributable in part to the creation of important new executive departments, in part to the exigencies of party politics. Whereas Lord Palmerston's cabinet in 1859 numbered fifteen members, Mr. Asquith's, on the eve of the present war, included twenty-one, while the cabinet of the coalition ministry, in 1916, contained twenty-three. Even before the outbreak of the war close students of English government were talking of an "inner ring" that was forming within the cabinet for the more effective transaction of business.[1]

The difficulties involved in the attempt to conduct war upon a scale of magnitude unprecedented in history by means of a cabinet of the old type, consisting of twenty-odd political leaders, whose time was divided between departmental, parliamentary and cabinet business, soon began to attract public attention. A number of committees were formed within the cabinet but these by no means solved the problem. The lead in "educating" public opinion to a realization of the inadequacies of the existing system, and the need of more effective control of policy and co-ordination of administration was taken by the Northcliffe press. As early as Septemer 1915, the *Times* urged the formation of a small War Cabinet in these words:

[1] "It seems as if the result must inevitably be the formation of an interior junto, small enough to allow of deliberation and decision at close quarters." Morley, Life of Walpole. In his Government of England, published in 1908, President Lowell wrote: "One sometimes hears of an interior junto, or cabinet within the cabinet, that really determines the policy. This is undoubtedly an exaggeration, a giving of formal shape to informal conferences among leaders on special questions which have always taken place; but it appears not improbable that if the growth in the size of the Cabinet continues, some such interior nucleus may develop which will bear to the Cabinet something of the relation that the Cabinet now bears to the Ministry." Lowell, Government of England, new ed., vol. i, p. 59. Sidney Low, in his brilliant treatise, The Governance of England, published in 1904, spoke with assurance of the actual existence of an inner ring, and said (p. 169): "We may perhaps expect further development along these lines. In a very large Cabinet, partly composed of busy departmental officers, political management will tend to be left more and more in the hands of the influential sub-committee. It is a repetition of the evolution of the Cabinet itself." See also Anson, *op. cit.*, vol. ii, pt. i, pp. 122–123.

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The Cabinet is far too large for waging war, and it meets far too seldom. Its members, we are sure, are at work from morning till night every day in the week, and we do not ignore the countless Committees —Trade Committees, "War" Committees, Food Committees, Dardanelles Committees, and the like—which are constituted for special purposes . . . all working in watertight compartments and depending in the last resort on the intermittent decisions of the Twenty-two. What is needed is a far smaller Cabinet, capable of being assembled at any moment, and meeting daily as a matter of course.

On December 1, 1916, Mr. Lloyd George finally touched off the fuse to the bomb that was to wreck Mr. Asquith's coalition government. The conduct of the war was at that time entrusted to a "War Committee" of the cabinet, consisting of Mr. Asquith, Mr. Lloyd George, Mr. Bonar Law, Mr. Balfour, Mr. McKenna, Lord Curzon and Mr. Montagu. It appears, however, that this committee had expanded, reckoning in its official advisers and regular ministerial visitors, into a body almost as unwieldy as the full cabinet. "We have in fact almost reached the position," remarked the *Times*, "of seeing two cabinets sitting side by side and taking a hand in the war."[1] Lloyd George notified the prime minister that he could not remain in the government unless radical changes were made in the conduct of the war, and proposed that the War Committee should be limited to four members. His slate, moreover, did not include Mr. Asquith.[2] This proposal having been rejected, the insurgent minister presently resigned, and on December 5 the premier himself followed suit, thus putting an end to the coalition cabinet which the exigencies of war had called into being. The Unionist leader, Mr. Bonar Law, was unable to form an administration, and on December 6, the king sent for Lloyd George, who undertook the task.

The political crisis which has been outlined involved very much more than a mere change of ministry. It was the occasion of a drastic alteration in governmental organization. Hitherto, as has been said, it had been an accepted principle of the

[1] *Times*, Dec. 4, 1916, p. 9.

[2] *Ibid.*, p. 9.

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English constitution that the cabinet should consist of and be confined to the heads of the departments of government. Under this arrangement the same men who, as individuals, presided over the executive departments, in their collective capacity as a cabinet determined questions of policy. Though not the executive in the strict sense of the word, the cabinet was made up of executives.[1] "The members of the cabinet," says President Lowell, writing in 1908, "are now always the holders of public offices created by law . . . . they have, indeed, two functions. Individually, as officials, they do the executive work of the state and administer its departments; collectively they direct the general policy of the government. . . ."[2] Before December 1916, the first lord of the treasury, the chancellor of the exchequer, the lord chancellor, the five secretaries of state, the first lord of the admiralty, the president of the council, the lord privy seal and the presidents of the boards of trade, local government and education, regularly sat in the cabinet, while several other officials usually did so. "The tendency at the present day," says Lowell, "is certainly in the direction of including the head of every considerable branch of the administration." Membership in the cabinet, moreover, was restricted to office-holders. When Lord Lansdowne came into the coalition cabinet in 1915 without office he was an exception that proved the rule.

Under stress of war, disquieting doubts as to the ability of a group of administrators to steer the ship of state successfully ripened into widespread conviction that the old ministerial cabinet must, at least temporarily, be abandoned. To quote from the *Report of the War Cabinet for 1917*:

The enlarged scope of Government activity and the consequent creation of several new departments, made a Cabinet, consisting of all the Departmental Ministers meeting under the Chairmanship of the Prime

[1] " . . . . the Cabinet is not the *executive* in the sense in which the Privy Council was the executive. The Cabinet shapes policy and settles what shall be done in important matters, and it consists mainly of the heads of great departments of government, but it is not therefore the executive. . . . . the Cabinet is the motive power in our executive." Anson, *op. cit.*, vol. ii, pt. i, pp. 141–142.

[2] Government of England, vol. i, p. 54.

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Minister, far too unwieldy for the practical conduct of the war. It was extremely difficult for so large a body to give that resolute central direction which became more imperative the more the population and resources of the nation had to be organized for a single purpose—the defeat of German militarism.[1]

When the official list of the Lloyd George government was issued, it was seen that a radical change had been made in the political system. The old type of cabinet had disappeared.[2] Its place was taken by a small "war cabinet" of five members, headed by the new prime minister, and including, in addition, Lord Curzon, Lord Milner, Mr. Bonar Law and Mr. Arthur Henderson. Of these only Bonar Law, the chancellor of the exchequer, was an active administrator. Two of the other four held no office, and two held nominal offices that required no departmental labor.[3] The heads of the great departments of administration, other than the exchequer, were no longer of cabinet rank, but appeared under the modest rubric, "other ministers," in company with the parliamentary under-secretaries who had formerly been reckoned as members of the ministry, but who had never sat in the cabinet. To quote again from the *Report*:

With the advent of the new government, a modification was introduced whereby the supreme direction of the war was entrusted to a small War Cabinet, freed from all administrative duties, and yet in the closest touch with all departmental ministers, while administrative responsibility was placed in the hands of Ministers who were left free to devote their whole time to this aspect of governmental work. . . . . The general direction of the policy of His Majesty's Government during the war rests with the War Cabinet, whose members, with one exception, are relieved of the day to day preoccupations of administra-

[1] Cd. 9005, p. 1.

[2] "It may be possible," says Sir Frederick Pollock, "to doubt whether the old overgrown Cabinet is extinct or only superseded." *Quarterly Review*, Jan., 1918, pp. 17–18.

[3] Lord Milner and Mr. Henderson sat in the War Cabinet without portfolio; Lloyd George and Lord Curzon held the nominal offices of first lord of the treasury and lord president of the council, respectively.

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tive work, and whose time is, therefore, entirely available for initiating policy and for the work of co-ordinating the great Departments of State.[1]

From the outset the Lloyd George government was completely identified with the new War Cabinet as an institution of government.[2]

The question of status of the non-official members of the War Cabinet, Lord Milner and Mr. Henderson, was raised in a debate in the House of Commons on February 13, 1917, on a motion to appropriate money "for the salaries and other expenses of the War Cabinet." Previously members of the cabinet had received compensation only by virtue of the offices which they held.[3] Since the law knows nothing of a cabinet, how, it was asked, could money be voted for the payment of members of the cabinet as such? "Here in war-time," exclaimed one indignant protestant, ". . . when we are urging the poor to eat less food, we are proposing to vote £5,000 a year to a great nobleman who has never done a hand's turn without being well paid for it and who has come into the Cabinet without office."[4] Mr. Herbert Samuel, on the other hand spoke for the disciples of *Realpolitik* when he insisted that it was "mere constitutional pedantry" to pretend that the cabinet had no existence because it rested upon no statute. "Precedent-mongery," he added, "is not statesmanship."[5] With the voting of the appropriation, membership in the cabinet for the first time received formal budgetary recognition.[6]

[1] Cd. 9005, pp. vii, 1. The War Cabinet has not always been able in practice to dissociate questions pertaining to the conduct of the war from matters of domestic policy, nor to avoid consideration of administrative problems. Hansard, fifth series, XCVI, p. 1679.

[2] "If the House of Commons declared that they disapproved of the War Cabinet, that would be an end of this Government. We could not alter the arrangement, for we consider it vital." Bonar Law in the House of Commons, Feb. 13, 1917, Hansard, fifth series, XC, pp. 491–492.

[3] Lord Lansdowne, when a member of the coalition cabinet without portfolio, received no salary; Hansard, fifth series, XC, p. 485.

[4] *Ibid.*, p. 481.

[5] *Ibid.*, pp. 495–496.

[6] *Ibid.*, pp. 487–489, 517.

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"Government by amateurs" is a phrase that has been used to describe modern English administration.[1] In an age when technical knowledge is more important than ever before in every form of enterprise the business of government in England has been transacted by persons who have often had little or no special capacity or expert training for it. So long as administration was entrusted to political leaders who had risen to prominence by virtue of parliamentary attainments or party services, and for whom concentration upon administration was rendered impossible by reason of parliamentary and cabinet duties, government by amateurs was inevitable. But it required the shock of war to make generally apparent the evils and dangers that had long been perceived by philosophical observers of recent political tendencies. In the face of the efficient bureaucracy of Prussia, government by amateurs palpably broke down. The new system has not only released policy-makers from administrative duties, but has, equally, freed administrators from the burden of cabinet business. Departmental heads are no longer under the necessity "of considering those wider aspects of public policy which often had nothing to do with their departments, but for which they were collectively responsible."[2] They are now able, therefore, to devote much more of their time and energy than was formerly the case to the labors and problems of administration, rendered more exacting by reason of the war. The new system, furthermore, has facilitated an increase in the number of departments, which the prosecution of the war has made necessary.[3] A striking and most significant feature of the new régime, as compared with the old, is the appointment of men who have acquired reputations as technical experts, rather than as politicians.[4]

[1] Low, Governance of England, chap. xi.

[2] Cd. 9005, p. 4.

[3] The following new ministries have been created since the institution of the War Cabinet: labor, shipping, food, air, national service, pensions, and reconstruction. By the close of 1917 there were no fewer than twenty-nine ministers who would have been of cabinet rank under the old régime. Cd. 9005, p. 236.

[4] Dicey, The New English War Cabinet as a Constitutional Experiment, *Harvard Law Review*, vol. xxx, p. 790.

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All writers on the English cabinet have commented upon its *secrecy*. Lord Rosebery, who has himself as prime minister presided over cabinet meetings, declares that

> to the inquiring foreigner, nothing can seem more extraordinary, in a country with so much of democracy about it, than the spectacle of a secret council, on the Venetian model, sworn to absolute silence, and conducting the business of a nation which insists on publicity for everything less important . . . of all anomalous arrangements for executive government in an Anglo-Saxon community, during the present epoch and under the present conditions, the strangest is the government of England by a Secret Committee.

Lowell considers secrecy an essential attribute of the English cabinet government and Bagehot tells us that no description of the cabinet, "at once graphic and authentic, has ever been given. It is said to be sometimes like a rather disorderly board of directors where many speak and few listen—though no one knows." According to Anson, it is questionable "whether a meeting can be regarded as a meeting of the Cabinet while a person is present who is under no obligation to secrecy." The fact that it was a *secret* council was, indeed, the chief reason for the popular suspicion and dislike of the cabinet during its early history. Prior to December 1916, it had no secretary and kept no minutes of proceedings.

Under the new system, it has become necessary to devise new means to insure prompt and intimate communication between the cabinet and the officers of administration, who are now removed from it; and these in turn have involved the virtual abandonment of secrecy. During the first year of the existence of the War Cabinet no fewer than 248 persons, including experts in all branches of administration, attended its meetings. The secretary of state for foreign affairs, the first sea lord of the admiralty, and the chief of the Imperial General Staff attended regularly to communicate respecting the progress of the war and to consult on questions arising from day to day. Minutes of proceedings were kept and files regularly transmitted to the ministers most immediately concerned with the conduct of the war. Copies of minutes which especially af-

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ected other departments were sent to them, and weekly reports were prepared by arrangement with the foreign, India and colonial offices on matters with which those departments were especially concerned.[1] Under such circumstances the cloud of mystery that hung over the old cabinet has been dissipated.[2] Perhaps the most striking proof of the abandonment of secrecy is the publication by the War Cabinet of an official report, which gives an outline of its regular day-to-day procedure.

There is a fully organized secretariat, consisting of a secretary and ten assistants, with offices at 2 Whitehall Gardens. The principal duties of the secretary are to keep the record of the proceedings of the War Cabinet, transmit its decisions to the departments which are concerned in giving effect to them, prepare agenda papers, procure and circulate documents required for discussion, arrange for the attendance of ministers and others at meetings, carry on correspondence and prepare reports.[3] It was stated in Parliament that the War Cabinet relied upon the advice of the officers of the secretariat, but this was denied by the government.[4] In connection with the secretariat an extensive system of "liaison officers" has been developed, so that intimate relations are now established between the War Cabinet and every department of government.[5]

The study of the modern English cabinet may begin, properly enough, with Bagehot's classic treatment of the subject, but unfortunately, a great deal of it has also ended there. By exploding the "literary theory" of the English constitution and subjecting to his powers of keen analysis the political system

[1] Cd. 9005, pp. 2–3.

[2] It should not be inferred from what has been said that the War Cabinet is a *public* council. The public is, of course, not admitted to its deliberations, nor are minutes of its proceedings published, though it appears that upon one occasion at least an enterprising London daily did print certain minutes that had come into its possession (Hansard, fifth series, XC, p. 440). The War Cabinet is a private, but not a secret council.

[3] Cd. 9005, p. 3. The War Cabinet took over the secretariats of the Committee of Imperial Defence and the War Committee of the previous cabinet. *Ibid.*, p. 3; Hansard, fifth series, XC, p. 439; XCI, pp. 620–621.

[4] Hansard, fifth series, XCIV, pp. 1422–1423.

[5] Cd. 9005, p. 2.

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as he observed it in operation fifty years ago, Bagehot was able to draw a realistic picture of English government that was impressive enough to stamp itself, in broad outlines, upon the minds of two generations of Englishmen. But some of his doctrines, sound as they were in the age of Lord Palmerston, have themselves become something like a "literary theory" when applied to the constitution in the days of Lloyd George.[1] This is conspicuously true of that one which he viewed as the corner-stone of the English system: the collective responsibility of the cabinet to the House of Commons. He declared it

> a board of control chosen by the legislature, out of persons whom it trusts and knows, to rule the nation. The particular mode in which the English ministers are selected; the fiction that they are, in any political sense, the Queen's servants; the rule which limits the choice of the Cabinet to the members of the legislature,—are accidents unessential to its definition, historical incidents separable from its nature. Its characteristic is, that it should be chosen by the legislature out of persons agreeable to and trusted by the legislature.

The collective character of the cabinet's responsibility is emphasized by all modern authorities. Morley in his *Life of Walpole* tells us that

> as a general rule every important piece of departmental policy is taken to commit the entire Cabinet, and its members stand or fall together. The Chancellor of the Exchequer may be driven from office by a bad despatch from the Foreign Office, and an excellent Home Secretary may suffer for the blunders of a stupid Minister of War. The Cabinet is a unit—a unit as regards the sovereign, and a unit as regards the legislature.

This doctrine of the collective responsibility of cabinet to Commons has been accepted almost universally as a commonplace

[1] This thought is clearly expressed by Sidney Low, Governance of England, chap. i. In the second edition of his English Constitution, published in 1872, Bagehot himself perceived that parts of his description were likely to grow obsolete. Professor Dicey, a warm admirer of Bagehot, says of him: "He has drawn the truest picture anywhere to be found of English Cabinet government as it existed fifty years ago and as it was assumed, not with perfect truth, to work up to almost the end of last year [1916]." *Harvard Law Review*, vol. xxx, p. 788.

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of modern British constitutional practice. It appears to have been based, however, upon the actual ousting of ministries by the House of Commons, an event that occurred so frequently in the early Victorian era as to seem normal, but which seems to have fallen into desuetude. Sidney Low, who has done for the English constitution of the early twentieth century what Bagehot did for it a generation before, views the responsibility of the cabinet to the House as virtually extinct. He declares:

> The House of Commons no longer controls the Executive; on the contrary the Executive controls the House of Commons. The theory is that the ministers must justify each and all of their acts before the representatives of the nation at every stage; if they fail to do so, these representatives will turn them out of office. But in our modern practice the Cabinet is scarcely ever turned out of office by Parliament *whatever it does*.[1]

Into what has caused so profound a change in the relations of cabinet and Commons since Bagehot's day, we need not here inquire; the party system, a change in the theory of representation, and the growth of extra-parliamentary agencies for the expression of public opinion have undoubtedly had much to do with it. But of the fact that a great change has taken place there can be no doubt.[2] Responsibility to the people, or more accurately, to the electors, has been substituted for responsibility to the Commons. Public opinion, whether expressed in a general election or through extra-constitutional agencies, appears to have supplanted the division lobby of the House of Commons as the maker and unmaker of cabinets.[3]

[1] Low, Governance of England, pp. 80–81.

[2] See Low, Governance of England, chaps. iv and v, on this point.

[3] "It is true, I think, to say that in the last hundred years the power which determines the existence and extinction of Cabinets has shifted, first from the Crown to the Commons, and then from the Commons to the electorate. But it is no longer true that the House of Commons is always a close reflection of the opinion of the country, or that it responds to changes of public opinion as they may occur during the existence of a Parliament." Anson, *op. cit.*, vol. ii, pt. i, pp. 133–134. Bagehot was, of course, not unaware of the force of public opinion and its effect upon the fate of ministries, but in his day public opinion acted upon the ministry indirectly, through the agency of the House of Commons.

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Since the outbreak of the war there have been two changes of ministry, and in both cases the House of Commons has played the rôle of passive spectator rather than of active agent.[1] It was no adverse vote that put an end to the Liberal cabinet in 1915, or to the coalition cabinet in 1916, and if Bagehot's principle of responsibility had still been operative, there would have been no change of ministry on either occasion. "The House," as Sidney Low puts it, "did not vote Mr. Lloyd George, Lord Curzon, and Lord Milner into office; it did not vote Mr. Asquith out, for the late coalition ministry had an unbroken majority in the Chamber when its chief resigned in deference to what was understood to be the voice of public opinion."[2] To quote another distinguished English publicist, commenting upon the crisis of December, 1916: "In the present instance the House has not been defied, but it has not been consulted. Mr. Lloyd George draws his strength from outside the walls of Parliament; he owes his elevation to a kind of informal and irregular, but unmistakably emphatic, plebiscite. The House of Commons did not make him Premier; it is doubtful whether it could unmake him."[3] It is true that language is still used in Parliament which indicates that the old theory of responsibility has not been formally discarded, but it is doubtful whether it is, or is intended to be, taken very seriously.[4] Cer-

[1] No doubt the fact that the present House of Commons was elected in 1910, under wholly different conditions from those prevailing after August 1914, should be taken into account in any attempt to explain this fact.

[2] Sidney Low, "The Imperial Constitution: The New Phase," *Nineteenth Century*, vol. lxxxii, p. 242. "In England . . . in extremely important matters the public opinion of the nation has been ascertained and faithfully acted upon without parliamentary action. This has even been done in the making and unmaking of Cabinets. Twice since the war began the Cabinet has been reconstructed, once involving the fall of the Prime Minister, with no preliminary declaration of Parliament whatever. . . . . it would be absurd to maintain that the Ministry of Mr. Lloyd George did not take office because of a public demand, or that it could maintain itself for a moment if it lost public confidence, whether Parliament registered the change or not," says G. B. Adams, "The British Empire and a League of Peace," *Nation*, vol. cvi, p. 392.

[3] Quoted by G. B. Adams, "The British Empire and a League of Peace," *Nation*, vol. cvi, p. 392.

[4] For example, in opposing Mr. Asquith's motion for a parliamentary committee to investigate the charges made by General Maurice respecting the government's

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tainly Mr. Lloyd George and his colleagues in the War Cabinet cannot feel toward the House of Commons, which had nothing to do with bringing them to power, as Peel, or Russell, or Palmerston felt.[1]

The lack of any effective control of the War Cabinet by Parliament is emphasized by another departure from the accepted theory of cabinet government. Before December 1916, it was a rule that every member of the cabinet must sit in one or the other of the two Houses of Parliament and that the prime minister, when not a peer, should lead the House of Commons. But the majority of the members of the new cabinet do not regularly attend debates, and have, in effect, ceased to be parliamentarians. Their time is supposed to be devoted entirely to matters of policy related to the conduct of the war. The prime minister is no longer the leader of the House of Commons, nor is he, as a rule, present at its sessions. His place is taken by the chancellor of the exchequer, who represents the government

statements about the military forces of the empire, Lloyd George, speaking in the House of Commons on May 9, 1918, said: "Make no mistake about it. This is a vote of censure upon the Government. If this motion is carried we could not possibly continue operations, and the right honorable gentleman, as the one responsible for the motion, would have to take the responsibility for the Government."

[1] The circumstances of the resignation of Mr. Austen Chamberlain as secretary of state for India in July 1917 may portend a constitutional custom that will permit of the dismissal of a single minister without involving a change of ministry. In the eighteenth and early nineteenth century incompetent or unpopular ministers were sometimes forced out of office while their colleagues remained, but for the last half century, I believe, no case of this kind has occurred. (See Low, Governance of England, chap. viii, and Lowell, Government of England, vol. i, pp. 73–74). Prior to the establishment of the War Cabinet it was virtually impossible to censure a single minister for his administration of his department without censuring the government as a whole. The publication of a *Report* on military operations in Mesopotamia, drawn up by a commission of inquiry, aroused the British public to a high pitch of irritation, and the "punishment" of somebody was demanded. The *Report* censured the conduct of the India office, and the House voted to refer the charges to a judicial tribunal. In the speech in which he announced his resignation to Parliament, Mr. Chamberlain took the position that it was impossible for him to remain at the head of the office in which his conduct had been censured, "while such conduct might at any moment be called in question by the judicial tribunal to which you are going to refer these matters." (*Times*, July 13, 1917, p. 10.) His action seems to show that collective responsibility of ministers has lapsed, at least temporarily, since it was not viewed, either by the War Cabinet or by the other ministers, as requiring their resignations.

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and answers questions addressed to the prime minister.[1] Mr. Bonar Law thus explained his position to the House:

I am not here as the deputy of the Prime Minister in the ordinary sense of the word. When he asked me to join the Government he asked me to join as Leader of the House of Commons, and it is in that capacity that I come to the House. I know perfectly well that any one who attempts to lead the House of Commons who is not the Prime Minister will find it much more difficult than if he was, but I am perfectly certain of this, that in the way in which we are attempting to carry on the business, where we are having Cabinet meetings at least once every day, it would be utterly impossible for one man to attempt to direct the War and at the same time to attempt to direct the House of Commons.[2]

The withdrawal of the cabinet, and especially of the prime minister, from Parliament naturally elicited some adverse comment and criticism. One remonstrant in the House of Commons expressed surprise and disappointment that the prime minister could not find time to attend the opening of the session in February 1917, "though he could address a large meeting" the day before. "The House of Commons," he adds, "is not accustomed to this method of treatment, and in my opinion the sooner the Prime Minister finds time to attend to the business of the House of Commons the better the Government will get on with the war."[3] Another critic urged that the prime minister should attend at least once a week to answer questions which members might desire to put to him.[4] But it is only on occasions of especial moment that Lloyd George comes in person to the House of Commons. Lord Curzon has acted as spokesman of the War Cabinet in the House of Lords, but it has not been necessary for him to attend its sessions regularly. The War Cabinet, though its members do indeed hold

[1] Cd. 9005, p. 1; Hansard, fifth series, XCIII, p. 2289; XCIV, p. 1422; XCV, p. 1600; Low, "The Imperial Constitution: The New Phase," *Nineteenth Century*, vol. lxxxii, p. 244.

[2] Hansard, fifth series, XC, p. 492.

[3] *Ibid.*, p. 46.

[4] Hansard, fifth series, XCI, p. 600.

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seats in Parliament, could scarcely be described, as Bagehot described the cabinet of former days, as a "committee of the legislature."

Though this study is concerned with the new cabinet as a purely British institution, it must at least refer to what is perhaps the most significant fact about it, which is its temporary absorption into a wider imperial cabinet. One of the first acts of the Lloyd George government was to invite the prime ministers of the Dominions to attend a series of special and continuous meetings of the War Cabinet. For the purpose of those meetings the Dominion prime ministers were to be members of the War Cabinet. There thus came into existence a new institution, representative of the British Empire as a whole, and symbolic of a growing sense of unity among its several parts. The Imperial War Cabinet, as it came to be called, consisted of the members of the British War Cabinet, representatives of all the Dominions except Australia,[1] the secretary of state for India together with three assistants appointed by the government of India, and the colonial secretary, to speak on behalf of the crown colonies and protectorates. It was presided over by the British prime minister, and held fourteen meetings between March 20 and May 2, 1917.[2] The overseas representatives did not attend in the subordinate capacity of advisers. As Lord Curzon explained to the House of Lords:

The British Cabinet became for the time being an Imperial War Cabinet. While it was in session its overseas members had access to all the information which was at the disposal of His Majesty's Government, and occupied a *status* of absolute equality with that of the members of the British War Cabinet. It had prolonged discussions on all

[1] Mr. Hughes, the prime minister of Australia, was prevented from attending by a general election at home.

[2] Cd. 9005, pp. 5–7. The Imperial War Cabinet was distinct from the Imperial War Conference which sat in London at the same time. The latter was composed of the overseas representatives who were attending the Imperial War Cabinet, but met under the presidency of the colonial secretary, and did not include the British prime minister or the other members of the British War Cabinet. Its sessions took place at various dates between March 21 and April 27, 1917, and it adopted a number of highly important resolutions.

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the most vital aspects of imperial policy, and came to important decisions with regard to them—decisions which will enable us to prosecute the war with increased unity and vigour, and which will be of the greatest value when it comes to the negotiation of peace. . . .[1]

So successful was this novel experiment in imperial politics that at the last session Mr. Lloyd George, on behalf of the British government, proposed that similar meetings should be held annually, or more frequently if desirable, and that the imperial cabinet, so summoned,

should consist of the Prime Minister of the United Kingdom and such of his colleagues as deal specially with Imperial Affairs, of the Prime Minister of each of the Dominions or some specially accredited alternate . . . and of a representative of the Indian people to be appointed by the Government of India.

The meeting of a second Imperial War Cabinet in London on June 11, 1918, points toward a realization of his hope that annual imperial cabinets may become "an accepted convention of the British Constitution."

The Imperial War Cabinet runs counter to the traditional British theory of responsibility, for it is clearly not responsible to a legislature. For this reason, and for others, it has been opposed by those imperial federationists of the stricter school who have been urging the creation of a new federal imperial parliament with a new cabinet responsible to it, on the ground that the successful operation of cabinet government requires the absolute responsibility of a single cabinet to a single legislature.[2] The Imperial War Cabinet seems to them an illogical and haphazard expedient. As one of them said: "At present we have an Imperial Executive without an Imperial Legislature, and

[1] Hansard, fifth series, XXV, (Lords), p. 145. "For many years those of us who perceived the importance of the matter have been considering in what manner and form the Dominions could best be called to our councils; and now we see them, under the stress of war, summoned not only for counsel but to take a direct share of command." Sir Frederick Pollock, "Imperial Unity: The Practical Conditions," *Quarterly Review*, January, 1918, p. 11.

[2] For a somewhat doctrinaire advocacy of this view, see L. Curtis, Problem of the Commonwealth.

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a Domestic Legislature without a Domestic Cabinet."[1] On the other hand, those who look forward to an imperial commonwealth of a new type, made up of autonomous nations enjoying equality of status and united in a permanent voluntary alliance, are inclined to see in the new imperial cabinet a promise of the fulfillment of their hopes.[2]

How far the changes in cabinet government that have been outlined will prove permanent, and to what extent they will be modified or abandoned after the war, are subjects of speculation upon which prophets will inevitably disagree. Many of these changes, however, are in keeping with modern constitutional tendencies and therefore a return to the former cabinet system seems improbable.

ROBERT LIVINGSTON SCHUYLER.

[1] J. A. R. Marriott, "British Federalism: A Vanished Dream?" *Nineteenth Century*, vol. lxxxii, p. 493.

[2] *Vide*, *e. g.*, General Smuts, *War-Time Speeches*, p. 30, and Sir R. Borden, Speech to the Empire Parliamentary Association, April 3, 1917, quoted in part in Cd. 9005, pp. 8–9. Smuts and Borden were both members of the Imperial War Cabinet.

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COLLECTIVE BARGAINING BEFORE THE SUPREME COURT

IN three important cases a majority of the United States Supreme Court has thwarted efforts of labor unions to increase their numbers. In all three there was vigorous dissent. All three were opposed to the judgment of the court below. The first two found statutes wanting in the requirements of due process of law. Adair *v.* United States[1] annulled an Act of Congress which prohibited interstate carriers from discharging an employe because of his membership in a labor union. Coppage *v.* Kansas[2] declared invalid a state law which forbade any employer to require of employes or of persons seeking employment an agreement not to become or remain a member of a labor union. The third decision is Hitchman Coal and Coke Company *v.* Mitchell *et al.*,[3] handed down last December. It deals with a situation created by the type of agreement which Kansas sought unsuccessfully to forbid. Officers of a labor union were restrained by injunction from securing secret promises to join the union from employes who had agreed to relinquish their employment in case they became members.

Each of these decisions was rendered in the name of freedom and liberty. But since each dealt with conflicting interests, each necessarily involved interfering with liberty as well as protecting it. The majority judges of the Supreme Court must have thought that the liberty they safeguarded was for some reason entitled to more consideration than the liberty they curtailed. And the minority and the judges below must have held contrary views. The importance of the decisions and of the court which rendered them may make it profitable to review the various opinions and try to arrange the controlling reasons for the divergent views. In so far as the opinions do not lend

[1] (1908) 208 U. S. 161.

[2] (1915) 236 U. S. 1.

[3] (1917) 245 U. S. 232.

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themselves to this purpose, an endeavor will be made to indicate the fact. It not infrequently happens that a judicial opinion, like the arguments of counsel, starts from a selected premise which has in it the seeds of a desired result, and neglects to weigh that premise in even scales against competing premises which are equally significant but which bear other fruit.

Only four of the judges sat in all three cases. Of these Chief Justice White was consistently with the majority, and Mr. Justice Holmes with the minority. Mr. Justice McKenna was with the majority in the Coppage case and the Hitchman case, and with the minority in the Adair case. Mr. Justice Day dissented in the Coppage case and concurred in the other two. Justices Pitney, Van Devanter and McReynolds sat in the Coppage case and the Hitchman case and concurred in both. With them in the Coppage case was Mr. Justice Lamar; against them, Mr. Justice Hughes. Chief Justice Fuller and Justices Harlan, Peckham and Brewer completed the majority in the Adair case; and Justices Brandeis and Clarke, the minority in the Hitchman case.

I

The Adair case involved no dispute as to the facts, as the respondent by demurring to the indictment confessed that he had discharged an employe of an interstate railroad because of his membership in a labor union. The sole issue before the court was the constitutionality of the statute forbidding such discharge. And the opinion of Mr. Justice Harlan maintained its unconstitutionality by asserting it.

Adair was an agent of the carrier. It was his right, says the learned justice, "and that right inhered in his personal liberty, and was also a right of property, to serve his employer as best he could, so long as he did nothing that was reasonably forbidden by law as injurious to the public interests." This seems a prelude to a consideration of the question of reasonableness. But we are not thus favored. Instead, we are informed again that "it was the right of the defendant to prescribe the terms upon which the services of Coppage [the employe] would be

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accepted, and it was the right of Coppage to become or not, as he chose, an employe of the railroad company upon the terms offered him."

This describes the legal situation before the passage of the statute. The parties were at liberty to bargain as they pleased about the affiliation of the employe with a union. But what we need to know is why the legal situation created or sanctioned by the common law cannot be changed by statute. We do not gain light on this point from any recital of the rights of the parties at common law, however oft repeated. Mr. Justice Harlan quotes a statement from Cooley that "it is a part of every man's civil rights that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice or malice." But this is from a treatise on torts, and is evidently intended to mean that a man is not liable in tort for refusing to hire another or to work for another. It does not throw light on the question whether a new statutory arrangement is reasonable enough to be constitutional.

The succeeding paragraph in the opinion takes us no further in our quest. It cites Lochner *v.* New York,[1] and says that all the court were agreed "as to the general proposition that there is a liberty of contract that cannot be unreasonably interfered with by legislation." Next follows the concession that the "right of liberty" is subject "to such reasonable restraints as the common good or general welfare may require." But this is succeeded, not by a discussion of the question of reasonableness, but by a neglect of it. Note the significant silence on the controlling issue:

> . . . it is not within the functions of government—at least in the absence of contract between the parties—to compel any person, in the course of his business, and against his will, to accept or retain the personal services of another.

After reiterating again the common-law rights of the employer and of the employe, the opinion continues:

[1] (1905) 198 U. S. 45.

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In all such particulars the employer and the employe have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land.

There is more to the same effect. Summing it up, the statute is unconstitutional because it is unconstitutional.

It is not surprising that such an avoidance of the question of reasonableness prompts Mr. Justice McKenna to open his dissent by saying:

The opinion of the court proceeds upon somewhat narrow lines and either omits or does not give adequate prominence to the considerations which, I think, are determinative of the questions in the case.

And later he suggests that an inquiry be made as to the purpose of the legislation, "without beating about in the abstract."

This purpose Mr. Justice McKenna finds in the other provisions of the statute setting forth a plan of arbitration to prevent the strikes which are apt to arise from disputes between employers and employed. The unions among railroad employes, he says, exist, and are a fact to be reckoned with. They create a unity among employes which may be an obstacle or an aid to arbitration. Congress sought to make this unity an aid in the settlement of labor disputes. The requirement is therefore in the public interest. It is imposed only on those engaged in a public-service enterprise, who are subject to control in the interest of the public. With the rights of those engaged in private business "we are not concerned."

Mr. Justice McKenna therefore finds the restriction on the liberty of the carriers a reasonable one, because, accepting conditions as they are, it will tend to prevent strikes. Mr. Justice Harlan dismisses this alleged justification in a somewhat roundabout way. He enters upon the question in order to discover whether the act is a regulation of interstate commerce. This is in response to some argument which he calls a suggestion that the act "can be referred to the power of Congress to regulate interstate commerce, without regard to any question of personal liberty or right of property under the 5th Amend-

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ment." If the argument was put in this way, it confused two distinct questions. The opinion recognizes this when it says later that the power over commerce "cannot be exerted in violation of any fundamental right secured by other provisions of the Constitution." And if the act is not a regulation of interstate commerce, it is unconstitutional, even if it does not also violate the Fifth Amendment. So that the majority, by holding that the objects of the statute are not within the purview of the commerce power, avoids explicit analysis of the reasons adduced by the minority for the reasonableness of its interference with liberty.

Mr. Justice Harlan prefaces his consideration of the commerce question by saying:

> Manifestly, any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the states, must have some real or substantial relation to or connection with the commerce regulated.

Then follows the rhetorical question:

> But what possible legal or logical connection is there between an employe's membership in a labor organization, and the carrying on of interstate commerce?

In first analysis, of course, the connection is factual. Whether it is also logical depends upon the logician; whether it is legal, upon the judge. Mr. Justice Harlan finds no link between labor unions and commerce, because "it is the employe as a man, and not as a member of a labor organization, who labors in the service of an interstate carrier." "Surely," he says, "those associations, as labor organizations, have nothing to do with interstate commerce."[1] The argument to the contrary he

[1] It is interesting to compare a statement of Mr. Justice Pitney on behalf of the majority in the Coppage case, in which he says that "it cannot be judicially declared that membership in such an organization has no relation to a member's duty to his employer" (236 U. S. 1, 19). In the Coppage case it was the argument in favor of the statute which urged that "membership in a labor organization is the 'personal and private affair' of the employe."

In sustaining the Adamson Law in Wilson *v.* New (1917) 243 U. S. 332, a majority of the Supreme Court in effect discountenanced the application of the commerce clause adopted by the majority in the Adair case.

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regards as based upon the assumption that "members of labor organizations would, by illegal or violent measures, interrupt or impair the freedom of commerce among the states." And of such assumptions he says:

> We will not indulge in any such conjectures, nor make them, in whole or in part, the basis of our decision. We could not do so consistently with the respect due to a co-ordinate department of the government.

Mr. Justice McKenna's respect for Congress takes a different form. He sees that the power of labor unions "may be effectively exercised without violence or illegality," and he quotes from a report of the Senate Committee to show that the legislation was based, not on conjecture, but on experience. Of the argument of the majority he says:

> Neither the supposition nor the disrespect is necessary, and, it may be urged, they are no more invidious than to impute to Congress a careless or deliberate or purposeless violation of the constitutional rights of the carriers.

Plainly Mr. Justice Harlan avoids due consideration of the justifications for the restraint imposed on the carriers. But Mr. Justice McKenna also fails to give due weight to the burden of that restraint upon them. The act, he says, restrains nothing "which is of any material interest to the carrier." He assumes that the discharge of an employe because of membership in a union is "the exercise of mere whim or caprice," or at any rate that it may be, and that "this is the liberty which is attempted to be vindicated as the constitutional right of the carrier." And on this assumption he comments eloquently: "Liberty is an attractive theme, but the liberty which is exercised in sheer antipathy does not plead strongly for recognition."

Mr. Justice Holmes looks deeper. In a separate dissent he says that "the section is, in substance, a very limited interference with the freedom of contract, no more. It does not require the carriers to employ anyone. It does not forbid them to refuse to employ anyone, for any reason they deem good." And he puts his finger on the artificiality of the individualistic

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approach to the problem, by adding: ". . . even where the notion of a choice of persons is a fiction and wholesale employment is necessary upon general principles that it might be proper to control." The statute, he finds, "simply prohibits the more powerful party to exact certain undertakings, or to threaten dismissal or unjustly discriminate on certain grounds against those already employed." If there is believed to be an important ground for the restraint, "the Constitution does not forbid it, whether this court agrees or disagrees with the policy pursued." Mr. Justice Holmes does not confine his sanction to the object of preventing strikes. Though he thinks that laboring men are apt to attribute to unions advantages "that really are due to economic conditions of a wider and deeper kind," he says that he "could not pronounce it unwarranted if Congress should decide that to foster a strong union was for the best interest, not only of the men, but of the railroads and the country at large." And his conclusion, which he puts at the beginning of his opinion, is stated as follows: "I also think that the statute is constitutional, and, but for the decision of my brethren, I should have felt pretty clear about it."

So much for the arguments of the judges. Mr. Justice Holmes sees the issue as one of policy which it is for Congress to decide. The majority find some eternal right of the carrier to be left alone, against which Congress beats in vain. They build this right on the common-law right of the carrier to be immune from damages if it dismissed an employe because he was a member of a union. But this common-law right was a judicial creation with respect to an issue between man and man. The issue in the Adair case is one between man and government. The new right of the carrier discovered by the Adair case is wholly different from that which it had at common law. An immunity against an individual has been enlarged into an immunity against the government. Yet the court seems to think that it is merely protecting an old right, and not creating a new one. Thus it avoids giving any substantial reason for its decision.

The majority recognizes that the issue before the court is one of reasonableness. The merit of its opinion depends,

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therefore, upon its discussion of that issue. Legislatures are fortunate in not being called upon to give reasons for the law they make. Courts are under a duty to give weighty and specific reasons before they unmake the law made by the legislature. They may not inappropriately be held subject to the canon that the vigorous assertion of a conclusion is not the giving of a reason for it. Judged by this canon, the majority opinion in the Adair case is sadly wanting. Its declaration that it is not within the functions of government to compel a person against his will to retain the services of another is beside the point, because Congress did not compel the carrier to retain the services of any of its employes. There is a wide difference between prohibiting discharge for a single, specified reason, and prohibiting discharge altogether. The court cannot convince us of the unreasonableness of what Congress did, by telling us that it is not within the functions of government to do something much more drastic. It does not enlighten us on the question of reasonableness by the rhetorical fiat that "the employer and the employe have equality of right, and any legislation that disturbs that equality is an arbitrary interference with liberty of contract which no government can justify in a free land." Yet it is on this fiat that the decision rests, and not on anything that can be dignified with the title of a reason.

II

This question of the disturbance of the equality between employer and employed receives further discussion in the opinions in the Coppage case. The majority in that case insist that a statute which forbids an employer to require of a laborer, as a condition of obtaining or remaining in employment, an agreement not to become or to remain a member of a labor union, is as vicious as one which forbids dismissal because of membership in a union. If the employer must remain free to discharge an employe for any reason that seems to him good, he must be permitted to announce in advance what reasons he will deem sufficient for discharge. "Granted the equal freedom of both parties to the contract of employment, has not

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each party the right to stipulate upon what terms only he will consent to the inception, or to the continuance, of that relationship?"

Mr. Justice Holmes, in a brief dissent, did not seek to distinguish the problem before the court from that involved in the Adair case. He thought that the Adair case should be overruled. But Mr. Justice Day, who concurred in the Adair case, distinguishes it from the case in hand, in which he dissents. His reasons are as follows:

> There is a real, and not a fanciful, distinction between the exercise of the right to discharge at will and the imposition of a requirement that the employe, as a condition of employment, shall make a particular agreement to forego a legal right. The *agreement* may be, or may be declared to be, against public policy, although the right of discharge remains. When a man is discharged, the employer exercises his right to declare such action necessary because of the exigencies of his business, or as the result of his judgment for other reasons sufficient to himself. When he makes a stipulation of the character here involved essential to future employment, he is not exercising a right to discharge, and may not wish to discharge the employe when, at a subsequent time, the prohibited act is done. What is in fact accomplished, is that the one engaging to work, who may wish to preserve an independent right of action, as a condition of employment, is coerced to the signing of such an agreement against his will, perhaps impelled by the necessities of his situation.

In illustration of his point, Mr. Justice Day refers to such possible stipulations as that a person seeking employment shall agree not to resort to the courts for redress in case of disagreement with his employer, or not to become a member of the national guard, or not to affiliate with a particular political party. The requirement of such agreements in advance, he insists, is the exercise of a wholly different liberty from those of not employing or of discharging after employing.

There is a difference, of course. But whether the difference is sufficient to entitle one who dissents in the Coppage case to concur in the Adair case is more difficult to determine. Mr. Justice Day does not establish the importance of his distinction by saying that the Kansas statute "reaches not only the em-

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ployed, but as well, one seeking employment," who "by signing such agreements" is "deprived of the right of free choice as to his future conduct." So long as the employe remains legally free to quit his employment at any time, he may always choose between joining a union or keeping his job. So far as we can reason about it, the agreement would seem to have no wider direct results as between employer and employe than would ensue from the announcement by the employer that he ran and would continue to run a closed non-union shop. But psychological considerations may enter in to make a difference. Evidently the employers think that the securing of the individual agreements at the time of hiring is an aid in their endeavor to avert the pressure of collective bargaining on the part of the men. And, as will appear later from the Hitchman case, the existence of a contract between employer and employed gives a weapon to the former against third parties who seek to unite employes in a demand that they be retained as union men. The majority, therefore, do not find in the Adair case a complete precedent for the Coppage case. Nevertheless the major issue in both cases is whether the legislature may aid laborers in their efforts to secure collective bargaining.

This evidently is the way Mr. Justice Holmes views it. In a dissent which takes only a paragraph, he says:

> In present conditions a workman not unnaturally may believe that only by belonging to a union can he secure a contract that shall be fair to him. If that belief, whether right or wrong, may be held by a reasonable man, it seems to me that it may be enforced by law in order to establish the equality of position between the parties in which liberty of contract begins. Whether in the long run it is wise for the workingmen to enact legislation of this sort is not my concern, but I am strongly of opinion that there is nothing in the Constitution of the United States to prevent it, ...

Thus Mr. Justice Holmes regards the statute as a promoter of liberty and equality. The minority regard it as an interference with both. This is not to say that they disagree as to the results the law sought to produce. Their difference relates to the characterization of those results. It goes to the essence of what each means by liberty and equality.

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To the minority, liberty and equality mean something actual and concrete. Mr. Justice Day says of the Kansas statute: "I think that the Act now under consideration, and kindred ones, are intended to promote the same liberty of action for the employe, as the employer confessedly enjoys." It is a step towards making them equal in bargaining power. It prohibits "coercive attempts" on the part of employers to deprive employes "of the free right of exercising privileges which are theirs within the law." To the argument of the majority that there is no element of coercion in offering an employe a choice between his union and his job, Mr. Justice Day says that this neglects the facts as to the relative positions of employer and employed. The choice legally open to the employe is not actually open to him. He cannot enjoy his legal right to be a member of a union, if he is hampered thereby in working for his living in the occupation for which he is best fitted.

To this the majority reply that "constitutional freedom of contract does not mean that a party is to be as free after making a contract as before." By agreeing to work, the employe yields the enjoyment of his legal right to use his time as he pleases. "Freedom of contract, from the very nature of the thing, can be enjoyed only by being exercised; and each particular exercise of it involves making an engagement which, if fulfilled, prevents for the time any inconsistent course of conduct." While an individual has a legal right to join a union, "he has no inherent right to do this and still remain in the employ of one who is unwilling to employ a union man."

This of course is but to reiterate the common-law situation. The statute meant to give the employe a freedom he did not have at common law.[1] The minority says that his ancient legal liberty was not an actual liberty, and that it is within the power of the state to add to his actual liberty. In so doing it cuts down the legal liberty of the employer, but it leaves him

[1] The statute may be viewed as a declaration that the legal right to be a member of a union shall not be subject to sale. Common law and equity are familiar with restrictive covenants on one's future freedom of action which are denied jural recognition. Restraints of one's future conduct connected with earning a livelihood have always been outlawed when regarded as unreasonable.

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with an actual liberty which, by reason of his economic superiority, is equal to the actual liberty of the employe.

This discussion of liberty is of value only as it leads to the issue of equality. Of course no one has actual liberty to use all his legal liberty. He must pick and choose. Everyone is subject to some degree of economic coercion. Mr. Justice Day's statement that the Kansas statute "has for its avowed purpose the protection of the exercise of a legal right" to join a union is true enough so far as it goes. But it has the same incompleteness which marks the argument of the majority that the statute interferes with the legal right of employers to prescribe the conditions on which they will make contracts. The protection of the common-law right of the one is gained only by limiting the common-law right of the other. All argument is vain which confines itself to the elaboration of the effect of the statute on one of these rights, disregarding its effect on the other.

The common law left the employe free to join a union. It left the employer free to decline to hire members of a union. In some upper conceptual chamber these two common-law liberties may dwell together in amity. In actual life they conflict. The conflict had to be resolved in the course of a struggle in which the public interests suffered. If the state is to step in to aid the public interest by reducing the friction between the parties, it must do something more than to sanction what already exists. The minority is correct in its position that the state has protected the exercise of the legal liberty of the employe. The majority is correct in its assertion that the state has interfered with a previous legal liberty of employers. The issue is whether the former is a justification for the latter.

The majority, in seeking for possible justifications, find none. Other interferences with liberty which have been judicially sanctioned have been "fairly deemed necessary to secure some object directly affecting the public welfare." But of the statute in question, putting aside the question of coercion, Mr. Justice Pitney says:

> . . . there is no object or purpose, expressed or implied, that is claimed to have reference to health, safety, morals, or public welfare, beyond

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the supposed desirability of leveling inequalities of fortune by depriving one who has property of some part of what is characterized as his "financial independence." In short, an interference with the normal exercise of personal liberty and property rights is the primary object of the statute, and not an incident to the advancement of the general welfare.

This is to say that the object of the statute is to promote equality of actual opportunity, solely for the sake of that equality—a result which could not promote the general welfare. Moreover the Constitution is regarded as having been designed to prevent the legislature from promoting equality of opportunity. Inequality is the necessary result of the institution of private property. "Wherever the right of private property exists there must and will be inequalities of fortune." It is "impossible to uphold freedom of contract and the right of private property without at the same time recognizing as legitimate those inequalities of fortune that are the necessary result of the exercise of those rights." Since a state may not cut down the rights of private property directly, it "may not do so indirectly, as by declaring in effect that the public good requires the removal of those inequalities that are but the normal and inevitable result of their exercise, and then invoking the police power in order to remove the inequalities, without other object in view."

Constitutional liberty of contract, therefore, is not "freedom of action." It is freedom from legislative interference with action. This is freedom for employer and employe alike, even though for the employe it is but the wraith of genuine freedom. Equality between employer and employe is not approximate evenness of bargaining position. It exists only when both are equally let alone by the legislature. The state may not, as Mr. Justice Holmes contends, "establish the equality of position in which liberty of contract begins." It must not interfere with that inequality of position which enables the one with superior position to drive a hard bargain. The owner of property must be guaranteed an advantage in all his dealings with those who have less than he. In the words of Mr. Justice Pitney:

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Indeed, a little reflection will show that wherever the right of private property and the right of free contract coexist, each party when contracting is inevitably more or less influenced by the question whether he has much property, or little or none; for the contract is made to the very end that each may gain something he needs or desires more urgently than that which he proposes to give in exchange.

To him that hath shall be given protection, not only of that which he hath, but of every leverage which his possessions give him in acquiring more. To him that hath not shall be given the solace that he is free and unrestrained by law as to the bargains he shall make. He may be influenced as much as he likes by the fact that he has little property or none. He lives in a land of freedom and equality.

This is where we should arrive by uniting an absolute conception of liberty of contract with an absolute conception of property, and then regarding the marriage as indissoluble. Of course no one means to carry the sanctity of inequality so far. Otherwise all anti-trust laws would be unconstitutional. For they deprive those who have superior position from using that position as a leverage to improve it still further. They promote actual equality by restraining the strong for the sake of the weak. It is quite as nearly correct to say they have no other object in view, as it is to say that the Kansas statute has no other object in view. Whether in either case "an interference with the normal exercise of personal liberty and property rights" is "the primary object of the statute," or is "an incident to the advancement of the general welfare" depends upon a judgment whether the primary results of the interference conduce to the general welfare. It is equally possible arbitrarily to stigmatize either interference as a primary object and not a means to something else. Each necessarily results in something else. Each involves "the supposed desirability" of "leveling inequalities of fortune," in the sense that each seeks to enhance the purchasing power of a large group of the public to the consequent diminution of the purchasing power of another group. Both deal with the distribution of what is to be created in the future. Neither involves re-division of commodities now possessed. Mr. Justice Day draws the parallel as follows:

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Wherein is the right of the employer to insert this stipulation in the agreement any more sacred than his right to keep up prices? He may think it quite as essential to his "financial independence," and so in truth it may be if he alone is to be considered. But it is too late to deny that the legislative power reaches such a case. It would be difficult to select any subject more intimately related to good order and the security of the community than that under consideration—whether one takes the view that labor organizations are advantageous or the reverse. It is certainly as much a matter for legislative consideration and action as contracts in restraint of trade.

Good order and the security of the community—these are the justifications which Mr. Justice Day and Mr. Justice Hughes find for the statute. This is to be attained by preventing what is in fact coercion, though it be a kind of coercion not forbidden by the common law. It is to be gained by substituting an actual equality for an artificial equality, or, as Mr. Justice Holmes puts it, by establishing the equality of position between the parties in which liberty of contract begins. "Good order and the security of the community" are certainly worthy objects of legislative endeavor. But they are also vague phrases to conjure with. They are slogans rather than reasons. They help no more in debate than does the phrase "general welfare." Both the majority and the minority in the Coppage case agree that if the statute under consideration promotes the general welfare, it is constitutional. The majority see that assistance to collective bargaining has the evil of leveling inequality, and they see nothing more. The minority hold inequality less precious. And so we are left with only the disagreement as to what constitutes the general welfare and what is a legitimate promotion of that welfare.

Those who are disheartened at finding that all the competing reasoning, or arguing, leads but to a blind alley may find sympathy, if not solace, in a statement made by Mr. Justice Holmes when chief justice of Massachusetts. In his dissenting opinion in Vegalahn *v.* Guntner,[1] which he incorporates by reference in his dissent in the Coppage case, he says:

[1] (1896) 167 Mass. 92.

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It is on the question of what shall amount to a justification, and more especially on the nature of the considerations which really determine or ought to determine the answer to that question, that judicial reasoning seems to me often to be inadequate. The true grounds of decision are considerations of policy and of social advantage, and it is vain to suppose that solutions can be attained merely by logic and general propositions of law which nobody disputes. Propositions as to public policy rarely are unanimously accepted, and still more rarely, if ever, are capable of unanswerable proof. They require a special training to enable any one even to form an intelligent opinion about them.[1]

If the opinions in the Coppage case do not deal satisfactorily with the determining issue, they are not alone in their deficien-

[1] In the opinion from which this is taken Chief Justice Holmes contended that one group of laborers were justified in promoting their own advantage by seeking to dissuade another group from continuing in the service of an employer at the existing scale of wages. In Plant *v.* Woods, (1900) 176 Mass. 492, to which Mr. Justice Holmes also refers in his dissent in the Coppage case, he contended that members of one labor union were justified in seeking to compel members of another union to desert it and join with them, and as a means to this end to threaten strikes and boycotts. His approach to the problems may be indicated by two quotations. In the Guntner case, he says: "I have seen the suggestion made that the conflict between employers and employed was not competition. But I venture to assume that none of my brethren would rely on that suggestion. If the policy on which our law is founded is too narrowly expressed in the term 'free competition,' we may substitute 'free struggle for life.' Certainly the policy is not limited to struggles between persons of the same class, competing for the same end. It applies to all conflicts of temporal interests." And he closes his dissent in Plant *v.* Woods as follows: "Although this is not the place for extended economic discussion, and although the law may not always reach ultimate economic conceptions, I think it well to add that I cherish no illusions as to the meaning and effect of strikes. While I think the strike a lawful instrument in the universal struggle of life, I think it pure phantasy to suppose that there is a body of capital of which labor as a whole secures a larger share by that means. The annual product, subject to an infinitesimal deduction for the luxuries of the few, is directed to consumption by the multitude, and is consumed by the multitude, always. Organization and strikes may get a larger share for the members of an organization, but, if they do, they get it at the expense of the less organized and less powerful portion of the laboring mass. They do not create something out of nothing. It is only by divesting our minds of questions of ownership and other machinery of distribution, and by looking solely at the question of consumption—asking ourselves what is the annual product, who consumes it, and what changes would or could we make—that we can keep in the world of realities. But, subject to the qualifications which I have expressed, I think it lawful for a body of workmen to try by combination to get more than they are now getting, although they do it at the expense of their fellows, and to that end to strengthen their union by the boycott and the strike."

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cies. Like many other judicial opinions they use methods unsuited to the task in hand. But though they give us little or no guidance in forming an intelligent judgment on the merits of the legislation under review, they afford interesting evidence of the methods by which constitutional limitations are actually interpreted and applied.

The Kansas statute deprived employers of a liberty which they were allowed by common law. But the Constitution does not unqualifiedly forbid the taking of liberty. It forbids it only when the taking is without due process of law. And the meaning of due process is not hinted at. It has been left for the courts to work out. In so far as the clause has become a criterion of the validity of legislative objects, the issue is always what constitutes an adequate justification for the taking in question. It is not logic nor the language of the Constitution which declares that the promotion of the liberty of the laborer to be a member of a union is not a legitimate legislative object. It is a judgment, conscious or unconscious, on a question of policy. The issue in the Coppage case was one of policy, and all the competing interpretations of the terms "liberty" and "equality" cannot disguise the fact.

In deciding constitutional questions which turn on issues of policy, courts are under a recognized duty to exclude, so far as is humanly possible, their personal preferences and aversions, and to sustain a statute unless they find it clearly condemned by the Constitution. It is idle to say that courts never substitute their views of policy for those of the legislature, for minorities have too often charged majorities with such substitution. But it is to be assumed that such majorities firmly believe their views of policy embedded in the Constitution and drawn therefrom. The assumption is made easier by the fact that not a few of us identify our ideas of what is good and fair with something greater than ourselves. The identification is usually incapable of rigorous proof. And so it is with the determination of many constitutional questions by the Supreme Court. The instrument appealed to for an answer to the particular question is silent thereon. The policy which the judges refer to the Constitution is connected therewith only by inference or con-

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jecture. And from the processes of judicial inference it is often difficult for the judge to exclude his individual predilections.

The inadequacy of the reasoning in many constitutional opinions, to which Mr. Justice Holmes refers, drives those who seek to understand the actual working of our institutions of government to look beyond that reasoning. The explanation of the decisions not infrequently depends in part upon the social philosophy of the judges, and in part upon their psychology. Some judges succeed fairly easily in disregarding their personal views of policy and in sustaining statutes for which as legislators they would not have voted. Others find the task more difficult, possibly because their predilections are stronger, possibly because they are less conscious of the considerations that press to play a part in their decisions. Difficult as it is to tell just what weight these factors have in the development of our constitutional law, it is impossible to exclude them entirely. We know pretty clearly the contrast between Marshall and Taney. On some important questions it is not difficult to prophesy accurately in advance how the last three judges appointed to the bench will align themselves. With others the task is more difficult. But the fact that considerations which may influence decisions elude discovery does not negative their presence or their power. Whenever judicial opinions must be adjudged logically bankrupt, and the bankruptcy is recognized by dissenting colleagues, we may feel insecure in dismissing as unimportant the relation between the social outlook of legislators and the social outlook of judges.

III

The majority opinions in the Adair case and the Coppage case set forth clear and definite ideas of liberty and of equality. It is of the essence of the liberty of employers that they be free to accept or reject employes for any reason they please. It is of the essence of the liberty of employes that they be free to join unions or to keep aloof from them. Equal freedom for employers and for employes is the watchword of the opinions. This freedom, however, is not freedom from economic pressure. It is freedom from legal restraint. Unions

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are lawful organizations, like churches, political parties and the national guard. But they are not entitled to the aid of the law in their efforts to increase their numbers. They must make their own way. But this they must be free to do, so far as the law is concerned, unless they adopt obnoxious methods. Leaving aside the question of methods, equality of legal right between employers and employed means the non-interference of the law in their struggles over collective bargaining. And this principle of equality of non-interference is so sacred that legislation cannot trespass upon it without running afoul of the restrictions set by due-process.

From these views of policy which permeate the majority opinions in the two cases thus far considered, we turn to the case of Hitchman Coal and Coke Company *v.* Mitchell.[1] The complainant ran a closed non-union mine. Each employe was engaged under circumstances which the majority opinion states as follows:

> Mr. Pickett, the mine superintendent, had charge of employing the men, then and afterwards, and to each one who applied for employment he explained the conditions, which were that while the company paid the wages demanded by the union and as much as anybody else, the mine was run non-union and would continue so to run; that the company would not recognize the United Mine Workers of America; that if any man wanted to become a member of that union he was at liberty to do so; but he could not be a member of it and remain in the employ of the Hitchman Company; that if he worked for the company he would have to work as a non-union man. To this each man employed gave his assent, understanding that while he worked for the company he must keep out of the union.

While this arrangement was in force, officers of the U. M. W. A. visited the employes and solicited them to agree to join the union and to keep secret the fact of their so agreeing, until such time as enough had agreed so that the officers of the union were ready to have the employer informed. Against these acts of solicitation an injunction was granted by the district court. After being reversed by the court of appeals, the

[1] (1917) 245 U. S. 232.

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decree of the district court was sustained by the Supreme Court,[1] with the exception of that part which restrained picketing and acts of violence. The exception was due to the fact that neither of these forms of interference had been attempted.

The injunction did not specifically forbid the defendants to persuade employes to promise to join the union and to keep the promise a secret. One important clause enjoined the defendants from attempting "to bring about the breaking by plaintiff's employes . . . of their contracts of service, known to the defendants to exist, and especially from . . . enticing such employes . . . to leave plaintiff's service without plaintiff's consent." This is a strange conjunction. The employes could break their contracts only by not leaving plaintiff's employ after affiliating with the union. If they joined, they were to depart, not only with plaintiff's consent, but by its express requirement. They could not both break their contracts and leave without the plaintiff's consent.[2]

In so far as the injunction relates to enticing employes to break their contracts, it was not justified by the evidence unless the employes had agreed in form or in substance not to give secret promises to join the union. All that they had agreed to explicitly was to keep out of the union while they worked for the company. Mr. Justice Brandeis says for the minority:

Until an employe actually joined the union he was not, under the contract, called upon to leave plaintiff's employ. There consequently

[1] The bill was filed October 24, 1907 and a temporary injunction granted. This was made final on January 18, 1913. The decree of the district court was reversed by the circuit court of appeals on June 1, 1914. A writ of *certiorari* was allowed by the Supreme Court, where the case was argued in March, 1916, reargued in December of that year, and decided a year later on December 10, 1917.

[2] This is plain, not only from the evidence as to the understanding at the time of hiring, but also from what actually happened at the Glendale mine, a concern owned by the same stockholders as the Hitchman and managed by Pickett, the superintendent also of the Hitchman. To quote from the majority opinion: "Pickett, the mine superintendent, had learned of only five men at the Glendale who were inclined to join Hughes' movement; but when these were asked to remain outside of the mine for a talk, fifteen other men waited with them, and upon being reminded that while the company would not try to prevent them from becoming members of the union, they could not be members and at the same time work for the Glendale Company, they all accepted this as equivalent to a notice of discharge."

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would be no breach of contract until the employe both joined the union and failed to withdraw from plaintiff's employ. There was no evidence that any employe was persuaded to do that or that such a course was contemplated.

The majority do not seem to question the interpretation put upon the contract by the minority. But they insist that, as thus interpreted, it had been broken at defendants' solicitation. "In a court of equity . . . to induce men to agree to join is but a mode of inducing them to join." Those who agreed to join "were for all practical purposes, and therefore in the sight of equity, already members of the union, and it needed no formal ritual or taking of an oath to constitute them such." Thus a verbal understanding between the superintendent and each employe that "if a man wanted to become a member of that union he was at liberty to do so, but he could not be a member of it and remain in the employ of the Hitchman Company" is broken when an employe gives to a stranger a legally unenforceable promise to join the union.

It may be doubted whether any such interpretation would have been given to the contract had the question of its meaning arisen in a dispute which involved only a single employe. What the plaintiff desired was to prevent its men from acting in concert. It had stipulated against one method of acting in concert, but had failed to cover all the possibilities. It is saved from its oversight by the decision of the majority as to what constituted a breach. But the decision on this point, if unwarranted, is material only to the particular litigation. The contract which the majority inferred for the plaintiff may be expressly made by other employers. They will then be protected by the Supreme Court against the kind of interference with their enjoyment of those contracts which the defendants in the Hitchman case ventured upon. We are more interested in the rule of law for which the Hitchman case stands than in the question whether it was correctly applied to the particular state of facts before the court.

In order to know what this rule of law is, we must examine more fully the enterprise of the defendants. They were seek-

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ing not only to get plaintiff's employes to join their union, but also to unionize the plaintiff's mine. This is not contested by the minority. What is meant by "unionizing the mine" is thus set forth in the dissenting opinion of Mr. Justice Brandeis:

> The operator by the union agreement binds himself: (1) to employ only members of the union; (2) to negotiate with union officers instead of employes individually the scale of wages and the hours of work; (3) to treat with the duly constituted representatives of the union to settle disputes concerning the discharge of men and other controversies arising out of the employment.

The demand for such an agreement was to be made as soon as enough of plaintiff's employes had agreed to join the union to make it likely that the demand would meet with success. For such success, collective action was important. To secure collective action, defendants sought to conceal from plaintiff the number and names of the employes who indicated a willingness to join with them, until they had won over enough men to "crack off."

This element of secrecy is made so much of in the opinion of the majority of the court, that a lawyer-like attitude towards the decision cannot regard it as a precedent on any situation where the element of secrecy is lacking. It was the concealment of the promise to join the union that made it possible for the majority to insist that the defendants were inducing the employes to break their contracts by continuing to work after they were really, though not formally, members of the union. And the concealment is also regarded as negativing a possible justification for the acts of the defendants. Mr. Justice Pitney refers to it as follows:

> There is no reason to doubt that if defendants had been actuated by a genuine desire to increase the membership of the union without unnecessary injury to the known rights of the plaintiff, they would have permitted their proselytes to withdraw from plaintiff's employ when and as they became affiliated with the union—as their contract of employment required them to do—and that in this event plaintiff would have been able to secure an adequate supply of non-union men to take their places. It was with knowledge of this, and because of it, that defend-

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ants, through Hughes as their agent, caused the new members to remain at work in plaintiff's mine until a sufficient number of men should be persuaded to join so as to bring about a strike and render it difficult if not practically impossible for plaintiff to continue to exercise its undoubted legal and constitutional right to run its mine "non-union."

It was one thing for plaintiff to find, from time to time, comparatively small numbers of men to take vacant places in a going mine, another and a much more difficult thing to find a complete gang of new men to start up a mine shut down by a strike, when there might be reasonable apprehension of violence at the hands of the strikers and their sympathizers.

Mr. Justice Pitney here gives countenance to the inference that he would have deemed it proper for the defendants to ask plaintiff's employes one by one to join, or to agree to join, the union, and then immediately to notify plaintiff and quit work, as their contracts bound them to do. This would not involve a strike, but merely the ending of the employment of the men one by one at the compulsion of the employer. The issue of the struggle would then depend upon the rapidity with which individuals could be secured for the union and the rapidity with which the employer could fill their places. But the situation in the case at bar was different. There was an intention to bring about a strike, so called,[1] even if plaintiff should desire

[1] Mr. Justice Brandeis also speaks of the intention to have the men "join the union together and strike—unless plaintiff consented to unionize the mine." But the company, according to its professions, was to insist that the men leave if they joined the union. On the case as presented by the plaintiff no strike would be necessary, or possible. The original employment at will would be ended by its own terms. The *status quo ante* would then be resumed. There would be no subsisting contractual relation between the employer and the members of the union. The issue would then relate to what kind of a new bargain would evolve out of the exercise of the respective liberties of employer and men. There might be a collective refusal on the part of the men to enter into a new agreement which did not include unionizing the mine. In practical effect this would not differ from a collective abandonment of employment against the wishes of the employer. But the word "strike" has a false color when used in this connection. The plaintiff concedes that the men are free to join the union at any time, but insists that, if they do, they must quit. If after that there is a deadlock, it is quite as fair to call the situation a lockout as to call it a strike. To call it a strike seems inconsistent with plaintiff's professed conception of the arrangement originally entered into.

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to retain the men who joined the union. There was what the majority regarded as an enticement to a breach of contract. It was with such a situation that the court found it had to deal. To that situation its opinion and its judgment should be confined. This is not only required by sound lawyership but is also supported by a paragraph in which Mr. Justice Pitney sums up the conclusions reached:

> Upon all the facts, we are constrained to hold that the purpose entertained by the defendants to bring about a strike at plaintiff's mine in order to compel plaintiff, through fear of financial loss, to consent to the unionization of its mine as the lesser evil, was an unlawful purpose, and that the methods resorted to by Hughes—the inducing of employes to unite with the union in an effort to subvert the system of employment at the mine by concerted breaches of the contracts of employment known to be in force there, not to mention misrepresentation, deceptive statements, and threats of pecuniary loss communicated by Hughes to the men—were unlawful and malicious methods, and not to be justified as a fair exercise of the right to increase the membership of the union.

The decision is thus made dependent "upon all the facts," including the threat of a strike and the enticement to breaches of contract. The majority, in the passage quoted, imply that other acts of defendants might be "a fair exercise of the right to increase the membership of the union." Earlier in the opinion Mr. Justice Pitney refers to "the right of workingmen to form unions, and to enlarge their membership by inviting other workingmen to join them" and says: "This right is freely conceded, provided the objects of the union be proper and legitimate, which we assume to be true, in a general sense, with respect to the union here in question." But then he adds:

> The cardinal error of defendants' position lies in the assumption that the right is so absolute that it may be exercised under any circumstances and without any qualification; whereas in truth, like other rights that exist in civilized society, it must always be exercised with reasonable regard for the conflicting rights of others.

Here we have a recognition that the "rights" of employers and the "rights" of laborers conflict. The successful exercise

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of the "right" of members of the union to increase their numbers will interfere *pro tanto* with the successful exercise of the "right" of employers to run their mines non-union. Yet both rights exist and are declared to be entitled to an equality of legal protection. Plainly, therefore, the majority give no satisfactory reason for their interference with the "right" of the defendants by declaring that the defendants were interfering with the "right" of the plaintiff. The defendants could exercise their right with respect to plaintiff's employes only by interfering with the conflicting right of the plaintiff. We may then dismiss as merely prefatory the numerous statements of Mr. Justice Pitney with respect to the right of the plaintiff to exclude union men from its employ, and to the interference with that right by the defendants. These statements have been subjected to a searching and illuminating analysis by Professor Walter W. Cook.[1] By the use of a somewhat elaborate verbal technique which gives different terms to the different varieties of legal rights, Mr. Cook shows how Mr. Justice Pitney uses "right" now in one sense and now in another, thus unconsciously asserting a new proposition and one as yet unproved, under the form of merely reiterating something firmly established. But in spite of these lapses in the argumentation, the majority opinion, by entering upon the question whether defendants' interference with plaintiff's interests was justified, reaches the nub of the controversy.

The minority concede that the defendant must show justification. They "were within their rights," says Mr. Justice Brandeis, "if, and only if, their interference with the relation of plaintiff to its employes was for justifiable cause." And the justification is then stated as follows:

> The purpose of interfering was confessedly in order to strengthen the union, in the belief that thereby the condition of workmen engaged in mining would be improved; the bargaining power of the individual workingman was to be strengthened by collective bargaining; and collective bargaining was to be insured by obtaining the union agreement. It should not, at this day, be doubted that to induce workingmen to

[1] "Privileges of Labor Unions in the Struggle for Life," 27 *Yale Law Journal* 779 (April, 1918).

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leave or not to enter an employment in order to advance such a purpose, is justifiable when the workmen are not bound by contract to remain in such employment.

But the majority insist that the end aimed at was not a justification for the interference. The defendants' activities, says Mr. Justice Pitney, "cannot be treated as a bona fide effort to enlarge the membership of the union." The reason given is in substance that it was an effort to do something more than to enlarge the union. It was an attempt to unionize the mine after the union was enlarged. But Mr. Justice Pitney says that "there is no evidence to show, nor can it be inferred, that defendants intended or desired to have the men at the mines join the union, unless they could organize the mines." Of course if they gained this end they would enlarge the union. And the enlargement of the union is always sought for some more concrete advantage than mere growth in numbers. The reason why there is any truth to the statement that the defendants did not wish plaintiff's employes to join the union unless the mine could be thereby unionized is that such unionization was deemed necessary in order to safeguard the interests of the men after they were in the union and to make it possible for them to remain in the union.

But Mr. Justice Pitney's analysis of the defendants' purposes, however faulty, indicates where he draws the line as to what constitutes an adequate justification. Union organizers can get men to join the union, if they do not thereby interfere with the employer's "undoubted legal and constitutional right to run its mine 'non-union.'" They may increase the union if they do it in such a way that an employer can readily continue to get non-union laborers. But they must not attempt to "alienate a sufficient number of the men to shut down the mine, to the end that the fear of losses through stoppage of operations might coerce plaintiff into 'recognizing the union' at the cost of its own independence." The purpose of organizing the mine is no justification. Where "unionizing the miners is but a step in the process of unionizing the mine," the plaintiff "is as much entitled to prevent the first step as the second, so far as its own employes are concerned, and to be protected against irrepara-

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ble injury resulting from either." And the purpose of securing collective bargaining is not a justification for disturbing an employer, unless the employer is willing to bargain that way. "Whatever may be the advantages of 'collective bargaining,' it is not bargaining at all, in any just sense, unless it is voluntary on both sides."

This ironic conception of the way buyers and sellers should bargain bespeaks a noble ideal, but one not yet fully realized in the coal regions. Collective bargaining is seldom, if ever, brought about because employers desire it above all other forms. It is brought about because employers prefer it to making no bargains at all. It is interesting that it is Mr. Justice Pitney who refers to the acts of the defendants as the "employment of coercive measures to secure a closed union shop through a collective agreement with the union." For it was Mr. Justice Pitney who reminded us in the Coppage case that it was not "coercion" to propose certain terms of employment which one has the right to propose. Now it is the minority who have to tell us that economic pressure is not coercion in a legal sense. As Mr. Justice Brandeis puts it:

> The employer is free either to accept the agreement or the disadvantage. Indeed, the plaintiff's whole case is rested upon agreements secured under similar pressure of economic necessity or disadvantage. If it is coercion to threaten to strike unless plaintiff consents to a closed union shop, it is coercion also to threaten not to give one employment unless the applicant will consent to a closed non-union shop. The employer may sign the union agreement for fear that labor may not be otherwise obtainable; the workman may sign the individual agreement, for fear that employment may not be otherwise obtainable. But such fear does not imply coercion in a legal sense.

But Mr. Justice Pitney takes a more idyllic view of the original non-union agreement at the Hitchman. He speaks of the fact that the defendants had plain notice "that the observance of this agreement was of great importance and value both to the plaintiff and to its men who had voluntarily made the agreement and desired to continue working under it." And again he says that the plaintiff "established the mine on a non-

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union basis, with the unanimous approval of its employes—in fact upon their suggestion—and under a mutual agreement assented to by every employe, that plaintiff would continue to run its mine non-union. . . ." This "suggestion" of the employes is earlier detailed by Mr. Justice Pitney as follows:

> About the first of June a self-appointed committee of employes called upon plaintiff's president, stated in substance that they could not remain longer on strike because they were not receiving benefits from the union, and asked upon what terms they could return to work. They were told that they could come back, but not as members of the United Mine Workers of America; that thenceforward the mine would be run on a non-union basis, and the company would deal with each man individually. They assented to this and returned to work on a non-union basis.

A further side-light is thrown on the situation by the account in the majority opinion of the activities of the union organizer: "He prophesied, in such a way that ignorant, foreign-born miners, such as he was addressing, naturally might believe that he was speaking with knowledge. . . ." Ignorant and gullible were the men who voluntarily made the non-union agreement with their employer and desired to continue working under it.

Closely connected with Mr. Justice Pitney's change of view as to what constitutes "coercion" is his shift with respect to "independence." In the Hitchman case he speaks of the defendants' action as being directed "to the end that the fear of losses through stoppage of operations might coerce plaintiff into 'recognizing the union' at the cost of its own independence." But in the Coppage case he did not recognize any loss of independence by the laborers who had to agree to refrain from union affiliations in order to get work. The employe was said to be "free to decline employment on those terms, just as the employer may decline to offer employment on any other; for 'it takes two to make a bargain.'" As to loss of independence after making the bargain, he said: "Freedom of contract, from the very nature of the thing, can be enjoyed only by being exercised; and each particular exercise of it involves making an engagement which, if fulfilled, prevents for the time any incon-

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sistent course of conduct." In the Hitchman case, it is not to Mr. Justice Pitney, but to Mr. Justice Brandeis, that we must look for this point of view. In the dissenting opinion we find the following:

> It is urged that a union agreement curtails the liberty of the operator. Every agreement curtails the liberty of those who enter into it. The test of legality is not whether an agreement curtails liberty, but whether the parties have agreed upon something which the law prohibits or declares otherwise to be inconsistent with the public welfare.

Then follows the enumeration of the details of the union agreement quoted on page 417 *supra*, and the comment:

> These are the chief features of a "unionizing" by which the employer's liberty is curtailed. Each of them is legal. To obtain any of them or all of them men may lawfully strive and even strike. And, if the union may legally strike to obtain each of the things for which the agreement provides, why may it not strike or use equivalent economic pressure to secure an agreement to provide them?

To this Mr. Justice Pitney gives no answer except to reiterate the "legal right" of the plaintiff to run its mine non-union, to make agreements to that end with its employes, and "to be protected in the enjoyment of the resulting status, as in any other legal right." This status is deemed so sacred that the purpose of the union leaders to interfere with it is in itself unlawful. Unions may strive to increase their numbers, but they must not in so doing strive to unionize any mine in which employes have agreed to quit if they join the union. After quoting a familiar statement from the Mogul Steamship Case[1] as to the unlawfulness of inflicting intentional damage without just cause or excuse, Mr. Justice Pitney adds:

> And the intentional infliction of such damage upon another, without justification or excuse, is malicious in law. . . . And we cannot deem the proffered excuse to be a "just cause or excuse," where it is based, as in this case, upon an assertion of conflicting rights that are sought to be attained by unfair methods, and for the very purpose of interfering with plaintiff's rights, of which defendants have full notice.

[1] 23 Q. B. Div. 613.

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Leaving aside the question of methods,[1] this is to say that plaintiff's purpose is its right, and therefore defendants' contrary purpose cannot be their right.

Defendants' purpose seems to be regarded as illegal, no matter by what methods it is pursued. Much of the assertion in the majority opinion leads to this inference, and the inference is reinforced by one of the clauses of the injunction. As paraphrased by Mr. Justice Pitney, it restrained defendants from "knowingly and wilfully enticing plaintiff's employes, present or future, to leave plaintiff's service on the ground that plaintiff does not recognize the United Mine Workers of America or runs a non-union mine, etc." In this clause there is no reference to enticing breaches of contract. So far as the terms above quoted disclose, defendants would be sent to jail if they persuaded any of plaintiff's employes to join the union. For any one who joined had to leave plaintiff's service because plaintiff ran a non-union mine. Enticing him to join the union is enticing him to leave because plaintiff runs a non-union mine. Such leaving would, it is true, be by the consent and the compulsion of the plaintiff, but the clause now under consideration is not qualified by the words "without plaintiff's consent."

[1] The minority insist that the methods of defendants were entirely fair. The organizer had informal talks and some quietly conducted public meetings in which he pointed out that, though "the company was then paying them according to the union scale, there would be nothing to prevent a later reduction of wages unless the men united." He also pointed out that, if the men lost their present jobs, "membership in the union was requisite to obtaining employment in the union mines of the neighboring states." The majority, however, insist that he used "abusive language" respecting the superintendent and two of the miners who evidently were opposed to the union, and that he represented the possible reduction of wages so that the ignorant miners might naturally believe he was speaking with knowledge. They also refer to a conversation in which he represented that Koch, the general manager, "had nothing against having the place organized again."

The really important dispute as to methods is whether they involved breach of contract. The minority do not make clear whether, if they agreed with the view that continuing work after the secret agreement constituted a breach of contract, they would sanction the injunction on that point. They concede that mere persuasion to leave the employment requires justification, and declare that plaintiff's individual contracts add nothing to its rights, so long as the employment is terminable at will. They hold, however, that the object of strengthening the union justified the persuasion. They imply that it would not justify inducing breach of a contract to serve for a definite term. But as to other possible contracts they are silent.

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It is probable, however, that Mr. Justice Pitney's paraphrase of this clause of the injunction is incomplete. The reference to it in the minority opinion contains the qualification: "for the purpose of unionizing plaintiff's mine without plaintiff's consent." But even this qualification would not make licit an "enticement" to join the union which was part of a plan to unionize the mine. If defendants had such a plan, they would be restrained from asking plaintiff's employes one by one to join the union, even though they joined openly and withdrew from work at once as the employer desired. If union officials wish to start a membership campaign among miners working under a non-union agreement, they must be without any thought of later unionizing the mine. For to seek to unionize a mine run under a non-union agreement is to seek to make it impossible for the mine-owner "to exercise his undoubted legal and constitutional right," and for the very purpose of making it impossible, and therefore without just cause or excuse. For it is no justification that the defendants are seeking to strengthen the union and to secure collective bargaining, since collective bargaining interferes with the employer's right to make individual bargains, and "is not bargaining at all in any just sense, unless it is voluntary on both sides." It is "coercion," and an interference with the "independence" of the employer.

Recognized canons of judicial action require us to limit the authority of the actual decision of the Hitchman case to situations where there is some element of breach of contract and a threatened strike. Parts of the majority opinion so limit the decision. But other parts and some of the terms of the injunction go further. Two inconsistent threads of thought run through the majority opinion. One would permit union officials to secure members from men working under a non-union agreement if each man announces his new affiliation as soon as it occurs and leaves the employment as the contract under which he is working permits and requires. The other would forbid it, if there was evidence of a plan to unionize the mine.

If law, as Mr. Justice Holmes says, is a prophecy of what courts will do in fact, it is more important to know what a majority of the Supreme Court think, than what they have

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technically decided. And it seems pretty clear that at present a majority of the Supreme Court think that labor unions must take no steps whatever to unionize a non-union mine, at least where its non-union character has been protected by contracts with the employes. In the absence of such an object, they may take steps to get union members from a non-union mine, provided the employer is apprised of each inch of their progress. If their success is sufficiently rapid, the employer may find himself in a position where he prefers to ask the men to come back even though they remain in the union. Then arises a new situation which the Hitchman case does not cover. For it is explicitly stated in the majority opinion that "the case involves no question of the rights of employes," and further that the "defendants could not, without agency, set up any rights that employes might have."

If therefore union officials form their plan to unionize a mine only after it has ceased to be a closed non-union mine and has become an open one, it would seem that they may carry out their plan as agents of the union members among the employes. But the present majority of the Supreme Court is not likely to find such a situation occurring in the affairs of the United Mine Workers of America. For they will always have the evidence relied on in the Hitchman case which establishes from the proceedings of their annual convention that the U. M. W. A. mean to unionize every mine they can. Every step to secure members from non-union mines must therefore be part of a plan to unionize the mine. Employes who wish to affiliate with the U. M. W. A. must do so entirely of their own initiative. But even this initiative will probably be checked by the type of non-union agreement which appears in Eagle Glass and Manufacturing Company *v.* Rowe,[1] decided the same day as the Hitchman case. This required each employe to promise "that if at any time while so employed he desired to become connected with the union he would withdraw from the employ of the company, and that while in its employ he would not make any effort amongst its employes to bring about the unionizing

[1] (1917) 245 U. S. 276.

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of the plant against the company's wish." With such an agreement, the employes themselves would be restrained from casting glances at the union in the desire to get the mine unionized.

Thus it appears that the equal liberty of employer and employed which is the boast of the law is a personal and individual matter. Each laborer when unemployed is as free from legal restraint as to what bargain he shall make as is each employer. After his bargain, the extent of his freedom depends upon the terms of the bargain. Though limited, it is self-limited. Freedom has curtailed freedom. But the freedom curtailed is not that of the individual contractor alone. By a bargain which leaves himself free to leave the employment at any time, he binds others not to persuade him to leave. For he has helped to create a status—the status of the closed non-union shop. He may dissolve the status so far as it concerns him. But others may not seek to dissolve the status through him. Thus each laborer holds in his own hands the liberty of other laborers, which he may bargain away. Much as they may desire to improve their position by prevailing upon all laborers to act collectively, they may not approach one who has agreed to leave his employment if he desires to unite with them. "The right of workingmen to form unions, and to enlarge their membership by inviting other workingmen to join them" is "freely conceded." But the judges who concede it hold that it cannot be exercised for the purpose of changing a closed non-union mine into a closed union mine. To the contention to the contrary, "it is a sufficient answer, in law, to repeat that plaintiff had a legal and constitutional right to exclude union men from its employ."

This is the law of West Virginia, as declared by the Supreme Court of the United States in a case where federal jurisdiction obtained by reason of diversity of citizenship. Mr. Cook, in the article previously referred to, says that the cases cited by the Supreme Court from West Virginia and other jurisdictions in support of the inadequacy of defendants' justification do not establish it. They support the principle that justification is necessary to excuse one who persuades employes to leave their employer, but they do not negative the lawfulness of the excuse

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offered by the defendants in the case at bar. Mr. Justice Pitney negatives it only by asserting that defendants' purpose and alleged justification interferes with plaintiff's right. This is conceded, if the term "right" is properly understood. But in the same sense of the term, the interference was in the exercise of a conflicting right of the defendants. The mere statement of the conflict throws no light on which should prevail, or what adjustment should be made. That question is plainly one of policy. Congress and the legislatures of at least fourteen states [1] have indicated their views of policy by prohibiting the type of agreement which was the foundation of the plaintiff's action in the Hitchman case. This policy the Supreme Court reverses, not only by insisting that the making of such agreements cannot be inhibited, but by declaring that when made for any mine or mill they end the liberty of organized labor to seek to organize that establishment.

These competing policies are undoubtedly debatable. It is much less clear that the judges have satisfactorily debated them. Much, if not most, of the reasoning given in support of the decisions is abstract and artificial. "Liberty" and "equality" and "right" seem often to be terms to conjure with, rather than to enlighten. We are not likely to get a satisfactory solution of the problem of collective bargaining through the jurisprudence of abstract conceptions. Indeed jurisprudence of any kind may play but a pigmy part in the solution, which seems to be conditioned less on the conclusions of judicial reasoning than on what a despised and revered writer has called "that simpler line of expedients which the drift of circumstance, being not possessed of a legal mind, has employed in the sequence of institutional change hitherto." The three decisions under review do not seem greatly to have delayed the progress of collective bargaining. They may soon be mainly of philosophical and antiquarian interest.

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[1] A list is given in the margin of Mr. Justice Day's dissenting opinion in the Coppage case, at page 29.

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REVIEWS

A World Court, in the Light of the United States Supreme Court. By THOMAS WILLING BALCH. Philadelphia, Allen, Lane and Scott, 1918.—163 pp.

Men have, as the author truly remarks, long sought to ward off the ravages and burdens that result from war. The Romans, the feudal barons of Europe, the lake-dwellers of Switzerland, the Chinese, built fortifications, castles and walls, while the Venetians, the Dutch and the English built fleets; and now great swarms of aircraft are created for purposes of attack and defense. Each nation looks upon its own preparations as a means of securing it against attack. Meanwhile, pacific methods of settling disputes—good offices, mediation and arbitration — were tried, but none of them proved to be completely efficacious. In 1899, as a result of the first Hague Conference, there was created the Permanent Court at The Hague, composed of persons named by the various signatory powers, from whom a tribunal might be chosen *ad hoc*. Subsequently, however, there sprang up an agitation for a court with a permanent personnel, which was to have more nearly the appearance and the characteristics of a fixed and personally definite supreme international judicial tribunal. The frequent invocation in the United States of our own Supreme Court as an example of what was desired, for the purpose of obtaining strictly "judicial" judgments, free from any element of bias or compromise, has led to the preparation of the present monograph, in which the record of the Supreme Court, in the decision of cases involving political or diplomatic elements, is surveyed.

The results, as Mr. Balch points out, are by no means uniform or consistent, failure as well as success having attended the court's efforts to deal with such elements. In the celebrated Dred Scott case, the pronouncement produced the very opposite effects to those hoped for and intended. In reality, the lament so often heard that the judges, in deciding questions of a certain type, and particularly "constitutional" questions, have exhibited a "party" bias, proceeds largely from superficial thinking. Because such questions were submitted to a "court," their essentially political character has been overlooked, and it has seemed to be supposed that they could be decided "judicially" without reference to political theory. No doubt,

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under a system controlled by the principle of *stare decisis*, a rule may be established by a series of judicial decisions which judges may be expected to follow until it is changed by legislation or by constitutional amendment; but, even with this assurance, the possibilities of a tranquil stability are essentially limited by the constant development of novel situations and the opportunities which they afford for new interpretations, to say nothing of the recurring changes in personnel to which every human tribunal is subject.

On the other hand, in much of the recent agitation for a "world court," it has been distinctly proposed to limit its jurisdiction to questions of a "judicial order," sometimes defined, positively or negatively, in a sense so narrow as to exclude practically all disputes of a serious character.

In discussing the various aspects of the problem, Mr. Balch has endeavored to point out the danger of placing undue reliance upon any single method of settling disputes, while neglecting the causes by which they are produced. Unfortunately, there is a general tendency, familiar to students of law and of history, to find a sense of security in devices because they are supposed to be new. To this cause is chiefly to be ascribed the hasty and unadvised legislation which so often defeats the end which it was intended to accomplish, while creating difficulties that did not previously exist. For this reason, a careful analysis, such as Mr. Balch has given, of fundamental conditions, in the light of experience, is always to be commended as a work of real value.

J. B. MOORE.

Institut Américain de Droit International. Acte Finale de la Session de la Havane, 22-27 Janvier 1917. Resolutions et Projets. New York, Oxford University Press, 1917.—xiii, 129 pp.

This volume contains the record of the proceedings at the second meeting of the American Institute of International Law, which was organized some time ago under the auspices of the Carnegie Endowment for International Peace, and of which Mr. Root is honorary president; Dr. James Brown Scott, president; and Dr. Alejandro Alvarez, general secretary. The proceedings indicate the prevalence of a striking harmony of sentiment. The "Acte Finale" was adopted by a unanimous vote, as had previously been ten recommendations on international organization, moved by the president of the society. These recommendations embraced the calling of a third Hague con-

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ference, as well as the establishment of regular periodical meetings of the conference, the regulation of its procedure, and the systematic carrying-on of its work; an international agreement on certain fundamental principles of international law, such as those adopted by the Institute itself on January 6, 1916; the creation of a council of conciliation to deal with questions of a non-justiciable character, and the employment of good offices, mediation, or amicable concession for their solution; the regulation of the process of arbitration; the negotiation of a convention creating a judicial union, after the type of the universal postal union of 1908, in order to secure the submission of questions of a judicial order to a permanent court; the creation of a pronounced public opinion in favor of these proposals and in general of the pacific solution of international disputes.

Certain *voeux* were also unanimously adopted, the first of which expressed the wish that the Central American Court of Justice, established under the international convention signed at Washington, December 20, 1907, might be maintained as a guarantee of peace between the republics of Central America.

Accompanying the "Acte Finale" there are several appendices, containing commentaries by Dr. Scott on the recommendations adopted on the subject of international organization; and projects and explanations (Exposé des Motifs) by Dr. Alvarez. In these Dr. Alvarez treats of the reconstruction of international law in its universal aspects and also in its relation to special situations or questions such as exist on the American continents.

In an *exposé* relating to the creation of a continental union or council of conciliation, Dr. Alvarez makes a searching examination of the League to Enforce Peace, formed in the United States under the presidency of Mr. Taft. His conclusions are altogether unfavorable. Dr. Alvarez maintains that the actual results would be contrary to the end sought. If the aggressor was a secondary power, it might indeed be readily suppressed; if it was a great power, it would not, he believes, be restrained. Feeble states, or states having no direct interest in the dispute, would hold aloof, and the league would prove to be a mere engagement on paper.

Dr. Alvarez also considers the platform or plan of the league to be defective in that (1) while it assumes the principle of universality, it in terms embraces only signatory powers, and is thus self-contradictory and inconsistent; (2) it provides no sanction in case the parties refuse to accept the decision of the arbitral tribunal or the advice of the council of conciliation, nor does it cover the case of

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war by a non-adhering power against a member; (3) it does not prescribe or define the character or the composition of the proposed tribunal and council. He believes that these are capital defects, and that the entire plan tends to insure control by great powers, after the manner of the Holy Alliance. So far as concerns the New World, Dr. Alvarez declares that the American republics could hardly submit to such a coercive regimen. He holds that the maintenance of peace cannot be assured by such means. The problem is in his opinion far more complex than the advocates of the measure under consideration have supposed. He believes that the evil must be taken at its roots by organizing for peace, in the sense of avoiding or minimizing the causes of conflict and developing a spirit of solidarity and co-operation. The causes of conflict among states are, he observes, of various kinds—political, economic, social, psychological, moral. A careful examination of them shows that they for the most part proceed from the individualism which manifests itself in national and international life, and which makes each country desire a development which it does not think it can obtain by dependence on other countries. From this source there has arisen the narrow and chauvinistic nationalism which has, in spite of the progress of civilization, engendered economic rivalries, imperialistic policies, the hates of races, the desire for revenge, and the idea or postulate which has up to the present time dominated international relations, namely, that so-called questions of "national honor" or "national dignity" must not be submitted to arbitration, but must be solved by arms.

J. B. MOORE.

The Life and Letters of John Fiske. By JOHN SPENCER CLARKE. Houghton Mifflin and Company, 1917.—Two volumes: xxvii, 533; xi, 523 pp.

Mr. Clarke's sympathetic biography confirms in the main the accepted opinion of John Fiske. It shows us an omnivorous reader, gifted with an extraordinarily retentive memory, and a faculty of lucid exposition that has rarely been surpassed. Fiske possessed in an eminent degree the qualities necessary for brilliant literary popularization of the thoughts of other men, but he was not a creative thinker in the highest sense of the term. Both in his philosophical and in his historical work he was rather the live wire that diffuses knowledge than the dynamo that generates it. His life and letters confirm this fact, which has been established by his previous contributions to philosophical and historical writing.

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Fiske was fortunate in the age in which he lived, for it was an age in which the dynamos were working mightily. His career was conditioned by the intellectual revolution with which it synchronized and by which it was inspired. When he was born, in 1842, the doctrine of evolution had not yet received formulation; when he died, in 1901, it was everywhere triumphant. The reaction against orthodox Darwinism had not yet set in, and all cosmic phenomena were conceived of as "evolving." "Natural selection" and "the survival of the fittest" were formulas that had been applied to ideas and institutions, as well as to the subject-matter of biological investigation, and had become commonplaces not to be disputed by any person with pretense to enlightenment. It was while preparing for college that Fiske, a youth of remarkably mature and inquiring mind, was drawn within range of the conflict between the new science and the old theology. In the light of his reading and reflection the theologico-philosophical system of Christian dogma, with its anthropomorphic Creator and fiatistically created Cosmos and Man, became for him untenable, and in 1859, the year in which *The Origin of Species* was given to the world, he withdrew from the Congregational church of Middletown. Fiske's interest in Herbert Spencer, whose philosophical system was to prove the dominant influence in his life, began in 1860 before he entered Harvard, when he happened to read a prospectus of Spencer's contemplated work. Courses of lectures on the evolutionary philosophy delivered at Harvard formed the basis of his *Outlines of Cosmic Philosophy*, which was published in 1874 and which stamped Fiske as the foremost American disciple and interpreter of Spencer. He was especially concerned with the religious implications of Spencer's system, and sought to show that it was in harmony with the ethics, though not with the dogmatic creeds, of Christianity.

Mr. Clarke's attitude toward Fiske's historical work, upon which his reputation principally rests, is eulogistic rather than critical. He nowhere gives any evidence of such a knowledge of American historiography as is requisite to a sound appraisal of Fiske as an historian, nor does he seem to have concerned himself with Fiske's method of historical composition. He has apparently never asked himself why Fiske, with all his literary charm, is not held in quite so high esteem today as he was twenty years ago by students of American history.

R. L. SCHUYLER.

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Recollections. By JOHN, VISCOUNT MORLEY. New York, The Macmillan Company, 1917.—Two volumes: x, 388; 382 pp.

At the end of a leisured and interested reading of Lord Morley's *Recollections* one has the feeling that if it were his great good fortune to be in a position to write such a book, he would entitle it: "Years of My Life That I Would Like to Live Over Again." It is a record of a life of marvelous successes—and successes, it would appear, achieved single-handed. There is nothing in English political biography—assuredly nothing in political autobiography—with which in this respect it can well be compared. Morley, it is true, never became prime minister, and he never led the House of Commons. He was never, moreover, a practising barrister; and none of the political prizes of the law — the solicitor generalship, the attorney generalship or the lord chancellorship—could fall his way. But with these exceptions most of the great prizes of English political life came easily within his reach; and all he had to do apparently was to choose which he would take. He held two of them—the chief secretaryship for Ireland, a cabinet office, and he was secretary of state for India. He was created viscount just when it suited him to transfer himself from the House of Commons to the House of Lords; he was the biographer of Gladstone; and in 1902 he was awarded the Order of Merit by King Edward VII. Bagehot's young man, fresh from Cambridge, who on going down to breakfast one morning found a letter awaiting him from an aristocratic borough owner, offering him a seat in the House of Commons—a seat which entailed no electioneering worries and burdens and no expense — could not have hoped for such a long-continued and brilliantly successful career as these *Recollections* depict.

Bagehot's young man would always have had to be deferential to his patron. He would have had to be deferential and accommodating also to the whips of his political party; and even with both patron and whips vigilant in his interest, there must have been for him an apprenticeship as a private member ere he reached the treasury bench; and then he would have been there only by virtue of his holding an undersecretaryship, a junior lordship of the treasury, or some other junior office in the ministry. Lord Morley, of course, never had a patron. There were only a few nomination boroughs—survivals of the reform acts of 1832 and 1867—when he went into the House of Commons in 1883 as one of the members for Newcastle-on-Tyne; and again, as a matter of course, it is impossible to imagine Lord Morley with a patron.

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In his successful career in literature and politics—judging from the *Recollections*, Lord Morley had at no time even a helpful friend who was on hand just at the right time to make an opening for him, or to give him a timely push forward. The general impression left by the *Recollections* is that all the prizes that fell to Lord Morley after he had left the old *Pall Mall Gazette* office for the House of Commons—after he had bidden good-by to Stead, his associate editor, and to the dingy office in Northumberland street always smelling of the kitchens of the great hotel across the way—fell to him by virtue of his superior and obviously commanding abilities.

There is scarcely a reference to any of the men who helped him in his many election contests at Newcastle-on-Tyne—men from the House of Commons, men from the party headquarters in London, or men who were working for Liberalism on Tyneside, and who threw themselves into these hard-fought election contests with no hope of any kind of personal reward. There is no mention either of the work that was done in Lord Morley's interest by the editor of a Liberal morning newspaper in Newcastle, one of the most distinguished editors of provincial newspapers, who was afterwards a member of the House of Commons. Omission of any reference to newspaper help is all the more remarkable, because in the years that Lord Morley was one of the members for Newcastle the newspaper situation on Tyneside was peculiar. It was so peculiar, and so adverse to the interests of the Liberal party, that if a millionaire coal-owner, who was working his way to the peerage by the newspaper route, had not, with a view to a peerage, established a local organ of the Liberal party in 1885, it is doubtful whether Lord Morley, or any other Liberal of his school of thought, could long have held the seat at Newcastle.

The omission, however, is typical of the exalted plane on which Lord Morley has written his *Recollections*. They record, for the most part, political or social contact with only the great of literature and politics. They are scant as regards Lord Morley's early life. He seems never to have had a boyhood. There is no suggestion of any struggle for a footing in London after he had left Oxford, and was embarked on journalism and literature. The *Recollections* are those of a career that was prosperous from start to finish—a career quite without political vicissitudes if the defeat at Newcastle in 1895 is not to be regarded as a vicissitude. They have none the less much permanent value from several points of view. They are proof

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of what can be achieved in political life at Westminster by a man born into the middle classes—Morley's father was a doctor at Blackburn, Lancashire—who has first-class ability and knows how to market it. They are helpful to the study of English politics from 1867 to the beginning of the war in 1914, and in particular of the influence that Queen Victoria exercised in politics; and they are evidence of the kind of Liberalism that working-class constituencies like Newcastle were willing to accept in the period from the end of Whig control of the Liberal party in the middle of the eighties until the incoming of the Labor party into the House of Commons in 1906. Every student of English politics in the years from 1867 to 1914 must read the Morley *Recollections* for the insight they afford into the policies of the Liberal party in this half-century. They are not, however, likely to be read and re-read, as is the case with some English biographies and autobiographies, for other than their literary and political interest.

EDWARD PORRITT.

HARTFORD, CONNECTICUT.

Lemuel Shaw: Chief Justice of the Supreme Judicial Court of Massachusetts, 1830-1860. By FREDERICK HATHAWAY CHASE. Boston, Houghton Mifflin Company, 1918.—vi, 330 pp.

The career of Chief Justice Shaw of Massachusetts does not lend itself readily to an important biography, although it was an important career. His great and enduring work was done in the quiet of the library and is permanently recorded in the sheep-bound volumes of official reports. His service in the legislature and in the Massachusetts constitutional convention of 1820 was marked by sanity, but it does not stand apart from the labors of his colleagues. His public addresses were few, and on the whole rather tedious. His biographer is duly, perhaps unduly, aware of the handicaps under which he labors. "After all," he tells us, "the life of a practicing lawyer furnishes but little of permanent interest for the records of time." And later he adds that "the work of a biographer of a judge is largely completed when he has traced his life from the cradle to the bench." For this *apologia pro vita sua*, Mr. Chase can find considerable warrant in Shaw's comparatively quiet life. Nevertheless he has given us an interesting and creditable biography of one of the greatest men to figure in a significant manner in the annals of the American bench.

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It was characteristic of Shaw that he did thoroughly whatever he had to do. He resembles Marshall in his painstaking elaboration of the reasons which support his judgments. And with Shaw one feels that he saw and weighed all sides of the problem before he reached his solution. His was pre-eminently the judicial mind — which is only to say that it had the acumen and the self-control which, when possessed, should be brought to bear by everyone on any question worth thinking about. Shaw tested his conclusions by imagining their application to the various situations upon which they might conceivably be brought to bear. His opinions are not brilliant. They disclose no propensity for erudition. But they are guided by an enlightened common sense, that judicial common sense which Mr. Justice Riddell of the Supreme Court of Ontario in a recent article in the *Yale Law Journal* calls "not the old metaphysical common sense," but that which "consists in the application of the rules of justice and honesty to the things of this work-a-day world, so full of anomalies and of fallible, imperfect, human beings."

It is with good reason that both Thayer and Hall in their case-books on constitutional law introduce students to the study of the police power by putting before them Shaw's opinion in Commonwealth *v.* Alger. For in this opinion are the foundation-stones on which all wise interpretations of the due-process clause must rest. Things not wrong in themselves, Shaw says, may be declared offenses "because they have injurious consequences." The legislative declaration has the advantage, not possessed by the common law, of providing a "definite, known and authoritative rule which all can understand and obey." The law before him was held constitutional because of its public advantages, notwithstanding the fact that "it may in some instances seem to trench somewhat largely on the profitable use of individual property." These public advantages and the cost to private interests in securing them were fully weighed and balanced.

Shaw's approach to common-law questions was similar. We have at last got away from the ill-effects of his decision in Farwell *v.* Boston and Worcester Railroad Corporation, which fastened the fellow-servant rule upon us for two generations. But we shall never wish to abandon the canons which guided him in reaching that decision:

> In considering the rights and obligations arising out of particular relations, it is competent for the courts of justice to regard considerations of policy and general convenience, and to draw from them such rules as will, in their practical application, best promote the safety

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and security of all parties concerned. This is, in truth, the basis on which implied promises are raised, being duties legally inferred from a consideration of what is best adapted to promote the benefit of all persons concerned, under given circumstances.

Since Shaw's opinions constitute his great service to his own and later generations, it is to be regretted that his biographer has devoted comparatively little of his space to them. Yet, to the lay reader, it must be confessed, they are often rather ponderous, and to those who can best appreciate them there is little danger of their becoming unfamiliar. Mr. Chase quotes enough to carry conviction that Shaw deserves the high place he holds among judges. He gives in more detail the story of cases that aroused intense public interest. The famous Webster murder trial receives a chapter, and there is an ample account of some important church controversies in which those who deserted the faith of their fathers clung successfully to the places of worship which that faith had long possessed. Shaw's decisions in favor of the Unitarians provoked the inclement Dana to abuse in the privacy of his diary. But no diary could contain his wrath when Shaw enforced the fugitive slave law, as the Constitution plainly bound him to do. "A man of no courage or pride," he called him. Earlier, of course, the abolitionists had heaped unstinted praise upon Shaw when he held that a slave brought to Massachusetts by the voluntary act of his master was entitled to be set free. The storms of public or private passion did not guide the course of Shaw's decisions. And it is a tribute to his wisdom that those who at times criticized him most vehemently joined later in paying homage to his memory.

Retrospection about a judge is interesting and valuable. It helps to make clear how much our law owes to the judgment and the outlook of the individuals who wield judicial power. But it would be more valuable still to write the lives of all who are likely to be considered for judgeships. If Professor Burgess is justified when he says that he does not "hesitate to call the governmental system of the United States the aristocracy of the robe," we cannot know too much about the men on whom it is proposed to place the robe. It would be well for the law in these days of its transition if there were more judges who had the capacity of Lemuel Shaw to examine patiently and thoughtfully what rule "is best adapted to promote the benefit of all persons concerned."

THOMAS REED POWELL.

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America Among the Nations. By H. H. POWERS. New York, The Macmillan Company, 1917.—xii, 376 pp.

American writers are beginning to make amends with a vengeance for the self-satisfaction and "spread-eagleism" of former generations. Book after book comes from the press, by our Lippmanns, Weyls, Ushers, Steffenses, Crolys, to warn us of our sins of presumption and chasten our too complacent spirit. We are told that America is a braggart, insincere, ignorant of European conditions, wedded to sentimental watchwords, joined to her idols. But she is not, like Ephraim, therefore to be "let alone."

Professor Powers tells us that we are and always have been an aggressive nation, reaping where we have not sown and gathering where we have not strawn; that it is not this which is a fault in us (for all healthy nations are aggressive) but rather the pious professions with which we have tried to hide the aggression. He attaches little weight to the utterances of our leaders in deprecation of our extension through self-interest, from Washington's assertions of our contented(?) isolation down to Wilson's declaration that "the United States will never seek a square foot of territory by conquest." In fact, the whole thesis of Dr. Powers' book, which is an essay in political philosophy rather than in history, is that all nations act from "a permanent instinct of self-assertion" which bears them along "in the surface of a resistless cosmic current." He confesses himself (page 11) to be a "fatalist" ("in some mild sense of the word"), believing that men and nations have little power to choose their ends. "Nations are moved by great common impulses, which individually they do not understand, to do things which individually they do not enjoy, and to seek ends from which individually they do not profit" (page 205). Although the author nowhere explicitly links this doctrine of fatalistic imperialism with the theory of biological necessity of which we have heard so much in recent political propaganda, nevertheless the total impression of the book is that this is just what he means. See especially the treatment of the biologically determined tropical man in chapter twelve: "the tropics may produce a mystic, but hardly a scientist."

There is no quarreling with tastes — in political metaphysics as little as in religious leanings—and it is equally difficult to prove or to disprove that in our historical expansion we have been moved by a "permanent instinct" which "acts automatically in all situations." Surely the mere recital of the facts of that expansion is no proof of

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the theory. The author seems to us in places dangerously near to that kind of argument used by the lawyer when he was called on for proofs. "Proofs!" he replied, "they are contained in the specifications."

Moreover there are so many errors in Dr. Powers' historical specifications that one is made somewhat mistrustful of his conclusions. The first half of the book, called "America at Home," deals with our own territorial development. In it Dr. Powers states that the colony of Virginia received "government aid" (page 17), that the "English colonies" (in America) were actively engaged in all the seven wars fought between France and England from 1689 to 1815 "except the last" (page 26), that Caesar in appointing Gauls and other barbarians to the senate "recognized in essence the great principle of representative government" (page 30), that France manœuvered after Cornwallis' surrender "for a peace that should make the colonies in a sense dependent upon her" (page 42), that the transfer of Louisiana to Napoleon was "long concealed" from us (page 45), that Jefferson sent a commission to France in 1803 "to buy if possible the city of New Orleans and some portion of Florida" (page 46), that Britain at this moment was "about to seize" this as booty (page 46), that after our acquisition of Florida "the great problem of Cuban development was postponed for nearly a century" (page 51), that by the Florida treaty of 1821 we "induced Spain to throw in Oregon as a trifle for good measure" (page 61), that a treaty negotiated in Harrison's administration for the annexation of Hawaii "was not ratified until Cleveland became president, March fourth, 1893" (page 95); on later pages Dr. Powers gives 1897 (page 96) and 1898 (page 100) as the dates for Hawaiian annexation; that the treaty of Paris gave us "suzerainty over Cuba" (page 108). It is not so much the seriousness of any of these errors as the great frequency of them that gives the reader pause—although such a misstatement as that our help from France in the American Revolution came from "the government of Louis XV and Pompadour" is sufficiently serious (page 329).

But, after all, the historical retrospect of Part One of the book is only an introduction. The author's thesis is developed in Part Two, under the title "America among the World Powers." Here his touch is surer and his interest keener. He is more at home in prophecy than in history. Race expansion is his theme, and the menace of Japan, of Russia, of Germany are the variations. Even the "unfeared powers," Holland, Spain, France, must be regarded warily.

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Such an event as the Russian revolution, in which the mob "has tasted of liberty and been made drunk," should not deceive the "sober bystanders" into the error of security. Russia, immensely powerful, will follow inevitably and fatally the course of her own world interests at the expense of any and every nation that stands in her way. She is "not done with imperialism" (page 270). It may be that this or that particular menace of the powers will not reach us, but we "must in simple prudence insure against the catastrophe."

Our wisest insurance, according to Dr. Powers, is to recognize as an accomplished fact the community of interests between America and the British Empire (a policy to which Professor Usher and Mr. Beer have urged us eagerly), and to shape our policy to strengthen and cement this "great fellowship."

D. S. MUZZEY.

The Future of the Southern Slavs. By A. H. E. TAYLOR. New York, Dodd Mead and Company.—326 pp.

Not only the average intelligent American layman but the close student of Balkan affairs will welcome the appearance of *The Future of the Southern Slavs* by A. H. E. Taylor. The work is without exception the best on the subject in English. It contains an array of facts and reasons so skilfully presented that few readers will close the book without becoming sympathetic with Mr. Taylor's views. His main thesis is for the erection of an independent South Slav state, in the event of a victory for the Western Allies, in which will be united the distinctly South Slav peoples: Serbs, Croats and Slovenes.

In order that the reader be provided with a sound basis for understanding the problems which he discusses in the constructive part of his book, Mr. Taylor devotes the first fifty pages to a brief history of the Southern Slavs from their appearance in Europe to the present day. This is so well done that the difficulties in the way of a solution of the problems arising out of the future relations of the new state with Austria-Hungary, Italy and Bulgaria are readily grasped. The chapters devoted to the discussion of these problems are followed by two final chapters in which the internal questions, that will necessarily arise in the constitutional and administrative organization of the new state, are discussed. To each of the problems that he considers, Mr. Taylor contributes information and understanding.

In his chapter on the Jugoslavs and Austria-Hungary, Mr. Taylor clearly demonstrates the hypocrisy of the claim of Hungary to be the constitutional state of a liberty-loving people. He conclusively

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shows that the demand for independence made by the Serbo-Croats of the Austro-Hungarian empire arose only after every effort made by them to secure autonomy within the monarchy was rejected. It then became evident that the Magyars were determined to prevent the secession of their subject Slavs to Serbia by destroying the latter's independence; once all the Southern Slavs were incorporated into the Dual Monarchy, the latter was safe from possible disruption. Similarly in treating of the relations of the Jugoslavs to Italy, Mr. Taylor's splendid analysis of the Adriatic problem convinces one of the justice of the South Slavs' contention that to give Dalmatia, inhabited almost exclusively by Serbo-Croats, to Italy, means for them merely to exchange one set of masters for another; and for Europe this would result in the establishment of an Alsace-Lorraine in its southeastern corner. Fortunately, since Mr. Taylor's book appeared, the Congress of Oppressed Nationalities at Rome, held April 8, 1918, provided a basis of agreement between Italians and Jugoslavs which augurs well for a happy solution of this chief point of difference between them. Again, in discussing Serbo-Bulgarian relations, Mr. Taylor is very illuminating. He shows that on historical grounds, much-contested central Macedonia may be claimed by either Serbia or Bulgaria; but that on ethnological grounds it can be claimed by neither of them. The Macedonians are intermediate between Serbs and Bulgars and speak a patois which is intelligible to both. When he becomes educated, the Macedonian learns the literary language of either Serb or Bulgar, and thereby becomes a Serb or Bulgar. Hence the fate of Macedonia at the peace congress can be decided on grounds other than nationality, on grounds of geography and economic access which will help to secure an enduring peace.

The chapters devoted to the probable internal organization of the new state are very enlightening. Convincing reasons are given for a unitary monarchy under the King of Serbia rather than a federated state, for the division of the large estates among the peasants, and for a co-operative rather than a capitalistic form of industrialism in order to conform to the genius of the Serb race. Mr. Taylor's description of the natural resources of the proposed state and his analysis of its economic needs are as clear and thorough as his discussion of its political organization. The reader closes this interesting book repaid for its perusal and with a feeling of deep sympathy for the fine, heroic race that refuses to forsake the ideal that has brought so many misfortunes upon it, namely, unity and independence.

STEPHEN P. DUGGAN.

COLLEGE OF THE CITY OF NEW YORK.

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The Irish Home-Rule Convention: Thoughts for a Convention, by GEORGE W. RUSSELL (Æ); *A Defence of the Convention,* by the RIGHT HON. SIR HORACE PLUNKETT; *An American Opinion,* by JOHN QUINN. New York, The Macmillan Company, 1917.—183 pp.

If the Irish question has caused much violent and foolish writing in the past few years, it has also from time to time been the occasion of very excellent and informing books. The little volume reviewed here is one of the best I have seen. A great part of it is beautifully written; it contains what will be of service and information to all Irishmen and to people everywhere who have the affairs of Ireland at heart, and it is written with so much wisdom, so much sympathy, such fineness of spirit and essential regard for justice, that one cannot help thinking there is much hope in the future for Ireland if men like the eminent authors of this work come to influence the life of the Irish people; and one turns the last pages with the feeling that old bickerings and divisions would soon be brought to an end, if only most Irishmen had the heart and the soul and the nobility of those who have put themselves into this writing.

The introduction is *An American Opinion* by John Quinn. The ideas which he expresses may not have been held by most Irishmen in this country from the first, but we like to think that now they are very widely professed. He believed from the beginning that there could be no real peace until German practices and philosophy had been abandoned or overwhelmed in destruction. "Therefore I put the winning of the war above any Irish or any other political questions." Here he takes issue with the extremer Irish partisans; the Sinn Feiners seem to put the affairs of their island before anything else. At a time when the most vital matters for the whole world are at stake, the ultra-Nationalists place Irish interests and Irish ideals first. He says, what a great many people will believe to be true, that if Germany were victorious it would be only a little while before Irishmen would look back on conditions before the war "as heaven itself." Therefore he says with respect to his discussion of Irish questions, "I think of home rule chiefly as a step in the winning of the war." He believes that when Great Britain put to death the leaders of the Dublin Insurrection in 1916 she made a fatal error, Irish temperament being what it is, and that the results have constituted an important victory for Germany—the cessation of Irish recruiting and the locking up of two British divisions. He believes

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that Ireland went more than halfway to meet England in the early part of the conflict, and got no adequate response. "But at last English opinion is awake, the English sense of justice and fair play is aroused." He was writing when the Irish Home Rule Convention was about to assemble. He had hope of success, particularly after Sir Horace Plunkett was chosen as chairman and George Russell was known to be one of the leading members. Some of his opinions are very interesting, both in retrospect and at present: he thought that colonial home rule would amply satisfy nineteen-twentieths of the Irish people, and he agreed with some of the best thinkers in Ireland that guarantees should be multiplied until "Ulster must admit that she is satisfied."

It is no derogation of the work of Mr. Quinn to say that after one has enjoyed what he has written, it seems completely overshadowed by the admirable part which follows: *Thoughts for a Convention*, by Æ, which first appeared in the *Irish Times*, a Unionist paper, and was afterward reprinted. It is an example of the political pamphlet at its best. It recalls to mind some of the classical pieces which appeared in America in Revolutionary times, and is not unworthy to stand beside the work of Bolingbroke and Steele in the days when such writing largely affected English political life. It may be that this piece is not so powerful as the work of another Irishman, who was the greatest of all these writers; but if *Thoughts for a Convention* has not the wondrous skill and terrible power of *The Conduct of the Allies*, it has, perhaps, more sincerity and sympathy and desire for the betterment of mankind, and may be as widely read and more serviceable at last.

With wonderful clearness and charm the author delineates briefly the principal parties in the life of Ireland today. There are the Unionists, with large inheritance from another race, who have yet grown to love their country as much as any of Gaelic origin; economically powerful, with fine energy and ability for organization, capable of contributing indispensable qualities to a self-governing Ireland, but who fear—groundlessly—industrial ruin and religious persecution, who believe that it is best for Ireland and best for Great Britain that the Union be preserved, and hence will at present have nothing to do with any scheme of separation. There are the Sinn Feiners or extreme Nationalists, "the spiritual inheritors of the more ancient race in Ireland," inspired by the old history and literature of their forefathers, who regard the preservation of Irish nationality as a sacred charge, and wish Ireland to be entirely free—

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free to make its own choice of political principles, its own culture and social order, and free to regulate its economic life. Their movement has been both marked and assisted by the splendid outburst of Anglo-Irish literature, whose soul is the Gaelic spirit descended from the past. Between the extremes of these two parties is one occupying a middle position, whose adherents have sought to maintain connection with the Empire, and at the same time acquire an Irish control of the administration and making of laws. They have been less idealist than the others and more practical. They have taken what they could get, and it is to them that most of the reforms have been owing since the time of the Act of Union. Generally they have had the greatest following, because of the results they obtained, but in the great, strange period of the present, when revolutionary changes are expected, and the minds of their countrymen are veering toward ultimate and fundamental things, this middle party meets with less favor.

Having thus depicted the Ireland of today, the author calls upon the several factions to understand one another better, act wisely and stand together in this crisis of their history. He bids the people of Ulster give over their bigotry, their suspicion, their useless fears. Let them throw in their lot with the rest of Ireland, which wants them and will gladly accept them. To those extremists who cry for the complete independence of the country: "I tell them frankly that if they expect Ulster to throw its lot in with a self-governing Ireland they must remain within the commonwealth of dominions which constitute the Empire, be prepared loyally, once Ireland has complete control over its internal affairs, to accept the status of a dominion and the responsibilities of that wider union." There were the men of South Africa. "Is the same magnanimity not possible in Ireland?" And he remonstrates with the middle party also. Let sectarian organizations be disbanded so far as their objects are political: it will be difficult to reassure the Unionists if this be not done. He addresses also Great Britain. The law now on the statute books will not properly settle the problem. "Nationalist Ireland requires that the Home Rule Act should be radically changed to give Ireland unfettered control over taxation, customs, excise and trade policy." Full control of administration should be given. The welfare of Ireland can be obtained only by sacrifice on all sides in the interest of the greater good. Readers of some of Mr. Russell's later writing will not be surprised at his opinion that no military conscription should ever be permitted but by act of an Irish parliament.

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The concluding part is a speech in defense of the convention by Sir Horace Plunkett, the first which he made in a great many years—years in which he was doing the best work recently carried out in Ireland. He pleads for the convention and asks that all Irishmen support it. To those who keep the undying hatred for England, "I would say the England of the war is wholly unlike any England that has ever been." It is an England that wants to do justly for its own sake, for the sake of Ireland, and because of the opinion of the world. Alas that Sinn Fein will take no part at this moment, when at last Britain has recognized that settlement of the Irish question must come "from ourselves alone." Ulster will find, when the issues are discussed, that there is an honest desire not to coerce her people but to win them.

Since these chapters were written the Convention has successfully completed its work, and though because of another great issue the present looms darkly, I am filled with hope that the spirit of these writers will prevail both in England and Ireland; and if that be so, all is well.

EDWARD RAYMOND TURNER.

UNIVERSITY OF MICHIGAN.

The Political History of the Public Lands from 1840 to 1862. By GEORGE M. STEPHENSON. Boston, Richard G. Badger, 1917. —296 pp.

The rapid disappearance of the public domain, the growth of cities, the rise of modern industrialism, and newer problems in the distribution of the nation's wealth lend increasing significance to American land policies. Dr. Stephenson's work is a valuable contribution to a gradually expanding body of information concerning this aspect of our developing political, social and industrial life. In general, the land history of the United States, so far as federal administration is concerned, may be divided into four periods: disposition under a restricted and governmental revenue plan; distribution under limited but facilitated purchase and pre-emption; homesteading and increased popular distribution; and conservation and limited restrictions. These periods include the occupation of public lands in general; also the utilization and exploitation of national resources. Mr. Stephenson's book effectively tells a story, chiefly in its political and congressional aspects, of that intensely interesting period transitional from limited governmental sale and pre-emption and purchase to that of popular distribution under the Homestead Act

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of 1862. The period covered was highly dynamic and was complicated by rapidly developing problems such as those of internal improvements, the tariff, sectional rivalries, the Kansas-Nebraska controversy, slavery and states' rights, not to speak of affairs of lesser importance but of the utmost concern politically. Moreover, frontier influences and the spirit of pioneering were operating in fullest intensity and effect.

In his preface Mr. Stephenson sets down the three chief themes of his study: the history of public-land legislation in Congress; a portrayal of the sentiment of the different sections of the country relative to disposal of the public domain; and an estimate of the influence of public lands on the general political and legislative situation during the period from 1840 to 1862. The success which has attended him in his first task is obvious to anyone familiar with the effort involved in the examination and reporting of congressional procedure and action. With a good sense of relative values the salient points of national land legislation, not only during the two decades, but considerably prior to the period from 1840 to 1862, are presented. A defect is found, however, in a certain confusion of the main outlines of the story. This will perhaps be remedied in the future by a complete graphic exhibit of the complicated steps in American land legislation and policy.

The second task involves an amount of research which will scarcely be completed for much time to come. Mr. Stephenson apparently gives a fairly true picture of current opinions and sentiment in various sections of the country during the period touching land policies and practices, without burdening the reader with a mass of detail valuable in itself but often confusing and disconcerting. Any effort at sounding public opinion and current thought requires a vast amount of work on "source" materials which is laborious and irksome, but a careful selection of such material lends a certain zest to the chase. The author of this book has evidently enjoyed ransacking the columns of Horace Greeley's *Tribune*, Ritchie's *Richmond Enquirer*, Rhett's *Charleston Mercury*, and Evans' *Working Man's Advocate*. Besides these are the other newspapers of the times which both reflected and helped make public sentiment; also the interesting correspondence and memoirs of such men as Clay, Calhoun, Tyler, Van Buren, Johnson, Schurz, Webster, Crittenden and others. This effort of Mr. Stephenson to arrive at a better understanding of the exciting years before the Civil War deserves appreciation and respectful consideration.

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Third, Mr. Stephenson attempts to show how the land question affected the national and sectional life of the country in other fields of public interest and concern. The South was profoundly stirred by the existence of vast areas of unoccupied land, drawing off population from a depleted soil which attracted no new people; the West was always more or less dominated by the open frontier; the East exhibited a divided public opinion on land questions because of uncertainty as to the way "the West" would affect her trade and manufacturing interests. These sectional jealousies and conflicting interests are readily evident in the campaign of 1840, and later in the demoralization of the Whigs. The manufacturing East looked with jealousy upon the growing West; the South faced the perils of westward migration, New England tariff policies and the rising abolition movement; while the West was becoming increasingly impatient of restricted land occupation, the financial policies of the East, and artificial limitations on its own spirit of individualism and control of its own destinies. According to the author, the campaign of 1840 must be set down as a landmark in our public-land history, as it then became evident that the West had not only the lands but also the votes to enable it to be regarded as a power in national politics.

While this book aims chiefly to present that part of our land history dating generally from the passage of the first general pre-emption law in 1841 to the passage of the Homestead Act in 1862, considerable attention is paid to the development of the pre-emption system. Homesteading and homestead legislation were a logical development from the breakdown of pre-emption before public sentiment. The first pre-emption law, that of 1830, was a recognition of a right to land possession under certain circumstances sanctioned by public opinion and practice for many preceding years. Then limited and temporary legislation gave place to permanent enactment, and finally, with many arduous twists and circumlocutions, we arrived, in the National Homestead Law, at legal approval of "squatting." Questions of land sale, gradation of land prices, land bounties, cession of public land to states, land grants, distribution of land sales to cover state debts, and similar problems, important as they were, were in fact secondary in importance to the main idea of a liberalized land-distribution policy.

While definite agitation for homestead legislation became an active factor in American politics about 1844, Mr. Stephenson suggests that the first congressional vote on a homestead bill in 1852 offers a convenient dividing line in the consideration of public-land legisla-

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tion. The subsequent course of congressional action occupies a considerable portion of Mr. Stephenson's attention from this point. This study will be helpful to one interested in the rise of ideas and the various movements leading to the development of Republicanism, the contest of strength between Douglas and Lincoln, and especially the relation of Lincoln to these affairs of local and national interest.

Not the least important feature of the book is a bibliography of well-selected documentary, newspaper, periodical and book material. A particularly good feature are notes showing where newspaper and other similar material of the various states may be found.

ROBERT TUDOR HILL.

NEW YORK CITY.

Western Influences on Political Parties to 1825. By HOMER C. HOCKETT. Columbus, Ohio State University Bulletin, vol. xxii, no. 3, 1917.—157 pp.

This discriminating and well-documented essay of Professor Hockett grew out of the author's "search for the key to the political history of Monroe's presidency, so long superficially known as the Era of Good Feeling." It is an analysis of causes of the rise and fall of the two great parties which struggled for supremacy during the early decades of our national history; and the text of the essay is the late Professor Callender's dictum that the "improvement in the economic condition of the West which set in about the time of the second war with England . . . is the most important event in our economic history during the first half of the nineteenth century." It was this event which broke up not only both the old Federalist and the old Republican parties, but even the very basis itself of the old party alignment. "The question is not now," wrote an Ohio journalist in 1823, "whether this candidate or that is a democrat or a federalist, but whether he is a friend or an opponent to domestic industry and internal improvement." The writings of Rufus King and John Quincy Adams furnish an interesting commentary on this statement.

Professor Hockett follows Frederick J. Turner faithfully in his emphasis on the geographic-economic conditions (the frontier, scarce specie, abundant land, the livelong struggle with the wilderness) as the basis of our party divisions, even from colonial days, rather than the inherited social stratification of the European countries. Hence the need to look far deeper than the mere political causes of the sev-

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erance of the colonies from England to find the real problems of our early history. The author also accepts Beard's economic interpretation of the Constitution and the origins of the Jeffersonian Democracy, though he thinks Beard tends to overemphasize the struggle between personal and real property, to the neglect of the geographical distribution of interests. His emphasis is not surprising, since he himself is dealing with the geography of politics.

A number of suggestive and rather novel points are brought out in the essay: for example, the political considerations which overcame the hesitancy of Monroe to approve the Missouri Compromise Bill (page 129), and the "pussy-footing" over the surface of "common Republican principles" in the campaign of 1824, which has led historians to speak of the disappearance of parties at this time (page 130). A great deal of fresh material in Ohio politics, collected by the author and members of his graduate seminar (see acknowledgment, page 130, note), gives a vividness to the essay, which is perhaps too dearly paid for by the sense of a disproportionate emphasis on the politics of a single western state.

There are a number of statements in the essay to which we take exception. We doubt whether the affinity of the trans-Alleghany country "*south* as well as north" of the Ohio was with "the new industrialism of the North-east" (page 129), or whether "the Democratic party grew out of the opposition" to the National Republicans (page 141). Why is John Marshall called a "former" Federalist, in the discussion of the great decisions of 1816-19 (page 117, note)? Was he not then more "federalist" than ever before? So great an authority as Professor Taussig questions whether "protectionism was fairly free," in 1816, "from the suspicion of seeking to favor the manufacturing interests" (page 88). Though the author says that Jefferson's "theories, born of frontier conditions, affected his policies throughout his public career" (page 38), he nevertheless confesses on the next page (page 39, note) that Jefferson's program broadened to federal dimensions when he reached the presidency. It is hard to see how anyone can call Jefferson "a backwoods statesman" after reading either his note to Hammond (1791) or his later annual messages (1806, 1807). A phrase on page 44 implies that we had an alliance with Spain during the Revolution, and Monroe is called the "leader of the Quids," on page 73. "Shay's" for "Shays'" (page 16) is less glaring as doubtless a typographical slip.

D. S. MUZZEY.

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The Postal Power of Congress. By LINDSAY ROGERS. Baltimore, The Johns Hopkins Press, 1916.—vii, 189 pp.

The brief clause in the Constitution giving Congress power "to establish post offices and post roads" has already been the basis for much important legislation. It is regarded by many as a sufficient warrant for further congressional action that will bring within federal control most of the evils that flesh in these United States is heir to. The possibility is by no means remote that under the postal power the nation will acquire permanent ownership and control of all the important railroad, telephone and telegraph lines of the country. If its management of these facilities should be held unfettered by constitutional limitations, it seems quite true, as Professor Rogers tells us, that "the cardinal theory of the American system—that the federal government is one of enumerated powers—would become a cynical fiction."

The Child Labor decision makes it evident that the present majority of the Supreme Court would somewhere draw the line between what Congress may and may not do in exercising authority under the postal power. There is little to commend in the reasoning by which the court sought to support its nullification of the Child Labor law. But this does not excuse us from recognizing that congressional control of transportation along post roads and across state lines should have some limits with respect to the conditions that may be annexed to the liberty of enjoying the advantages of such transportation. A judicial declaration which had negatived the existence of any limits might have been a prelude to an orgy of federal expansion which would leave the states but shadows of their former selves. Somewhere between two extremes the national legislature and the national judiciary must set stakes which mark the proper boundary between federal authority and its usurpation. This cannot be done by any hard-and-fast logic. It will not do to say that Congress cannot accomplish anything indirectly which it cannot achieve directly. It will not do to say that the use of the national arteries of communication is a privilege which may be granted or withheld on such conditions as a legislative majority may choose to impose. Some compromise must be made.

Professor Rogers suggests a way to this compromise in the distinction between persons and things. "Any legislation excluding from the mails must apply directly to the *things mailed*, not to the *persons* using the mails." The author finds this distinction recog-

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nized in all congressional legislation except that prohibiting interstate carriers from transporting products owned by them; and this extension he holds warranted because it "was 'necessary and proper' in order to ensure the enforcement of the regulations providing for equality of rates, publications of tariffs, etc." He would have sustained the Child Labor law, because it was "directed against the articles produced under the objectionable conditions." But he would not allow Congress to go further and prohibit employers of child labor "from using the advantages of interstate commerce for other articles not so produced." He thinks that the proposals for congressional regulation of stock exchanges advanced by the Pujo Committee concerned, not the character of mail matter, but the activities of persons using the mails.

Enough has been said to indicate that the volume under review is written with discrimination and sanity. It was prepared as a doctor's dissertation at Johns Hopkins, and adds another valuable contribution to the studies in public law which we owe to Professor Willoughby's inspiration and guidance. Dr. Rogers seems to have neglected nothing that bears upon his subject. The digests have been thoroughly raked for decisions from state as well as federal courts. The journals of the Continental Congress, the writings of statesmen, the reports of postmasters general, and congressional debates and enactments have been made to yield their secrets. We have a history of what has been done under the postal power during the Confederation and under the Constitution. There is a chapter on federal ownership of railroads and telegraphs, and another on the limitations on the postal power by reason of the constitutional restrictions against unreasonable searches and seizures and against infringing the freedom of the press. An informing treatment of the power of the states to interfere with the mails is done with exemplary thoroughness. Attention has already been called to the excellence of the discussion of "the extension of federal control through exclusion from the mails." Not a little of the volume deals with the future. But the author does not sail an uncharted sea. When discussing the constitutionality of exercises of the postal power which are as yet only proposals, Dr. Rogers steers his course by decisions on other congressional powers which have already been exerted, decisions which have involved questions substantially similar to those which will be raised by future exercises of the postal power. Indeed, the volume may fairly be called a study in federalism, and not merely in that aspect of it presented by the postal clause.

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In places Mr. Rogers might have added to the value of his contribution by making a more intensive analysis of some of the more important decisions with which he deals. He is inclined now and then to take judicial declarations at their face value, without probing beneath to discover and evaluate the assumptions on which they rest. He is slow to criticize judicial lapses in logic. On controverted questions which aroused vigorous dissent from a strong minority of the court, he is too often content to accept the decision as a final settlement of the issue, when it is not unlikely that the Supreme Court will continue to be divided, and that a position once rejected may be accepted later. But this inadequacy, for those who deem it one, is largely compensated for by the author's own contribution to the various problems.

THOMAS REED POWELL.

American Negro Slavery. By ULRICH B. PHILLIPS. New York, D. Appleton and Company, 1918.—xi, 529 pp.

Of books recently published on American history, one of the most interesting and helpful, not only for the student but for the general reader who would inform himself concerning the life of the ante-bellum South, is Professor Phillips' *American Negro Slavery*. The author traces the growth or expansion of Negro Slavery from the time of the Arabs who took it to northern Africa, through the Crusades, to that of Prince Henry the navigator, who played the biggest part in establishing it in Portugal and Spain, whence the institution with all its activities spread to America. An interesting feature of this development was the establishment of the plantation system in southern Spain, through the expulsion of the Moors from the Kingdom of Granada by Ferdinand and Isabella. The average student of American history is not accustomed to think of slavery as playing any part in the life of the European mother states further than the mere slave trade. But this slave trade soon became a great international problem backed by monopoly granted by the various kings. This monopoly was settled by international law in the treaty of Utrecht, 1713, when it passed to England. Huge fortunes were made in the slave trade. Our own Peter Faneuil was able to build the cradle of liberty in this way. Trading companies, through slavery, slave trade and the tobacco industry, developed into commonwealths, and representative government was established. The significance of the trade in economic history is enormous.

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The further evolution of slavery in America is shown in that the institution was in the form of indentured servitude at first and that Negroes were not regarded as slaves, and became free when they served out their period of indenture. Slavery was not really a legal institution, but was later legalized when its economic value demanded it after it had supplanted white servitude. In this connection a very interesting comparison of two Puritan colonies is made, showing how slavery could be veneered with religion if climate or soil made the institution profitable. This furnishes a prototype for the action of the churches of the South from the later thirties to the sixties.

The chapter on "Revolution and Reaction" shows how the so-called abolition movement in the New England states during this period did not abolish slavery then existing, but was only intended to disestablish slavery in the course of a generation or two. The movement had no clearly visualized purpose at this time, but was the expression of an anti-slavery feeling in which all parts of the country shared. Disestablishment of slavery in Massachusetts occurred through a judicial interpretation of a clause in the Bill of Rights, which doubtless was never intended to apply to Negroes when it was inserted in the Constitution. This anti-slavery feeling expressed itself in a very liberal attitude toward the Negro in Maryland and Virginia, but it is also true that the same feeling existed in North Carolina and Tennessee. Bassett's *Anti-slavery Leaders in North Carolina* shows that the free Negro had the suffrage in North Carolina to 1835 and there is abundant evidence to show that Tennessee was a leader in the anti-slavery movement. The free Negro voted in Tennessee to 1834, and there was considerable opposition to disfranchising him. It is customary, however, for writers to leave unnoticed this sentiment in North Carolina and Tennessee.

Professor Phillips' book is a valuable contribution to American history. The chapters on the westward movement, the cotton régime, plantation management, the tendencies of the plantation, and the economics of slavery are the most illuminating. The wastefulness of the slavery régime is so thoroughly established that the author is convinced that it was the most expensive system of labor that could be adopted and that it would finally have been abandoned. Its merits and demerits are chiefly stated thus:

> The slave-holding regions kept money scarce, population sparse and land values accordingly low; it restricted the opportunities of many men of both races, and it kept many of the natural resources of the southern country neglected. But it kept the main body of labor con-

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trolled, provisioned, ownable. Above all, it maintained order and a notable degree of harmony in a community where confusion worse confounded would not have been far to seek. Plantation slavery had in strictly business aspects at least as many drawbacks as it had attractions. But in the large it was less a business than a life, it made fewer fortunes than it made men.

The author has an interesting style. There has also been a very thorough consultation of the sources, so that the book, while it is very satisfying, will lead the student into the literature of a life which has played at times a very serious part in American history, and at no time an unimportant one. The book is well indexed and will be invaluable to students and teachers of American history. The author's birth and early life in Georgia, and his residence as student and teacher in various sections of the country, make him peculiarly fitted to write an account of the most misunderstood institution of American history.

C. P. PATTERSON.

COLUMBIA UNIVERSITY.

National Progress, 1907-1917. (*The American Nation: A History, Volume 27*). By FREDERIC AUSTIN OGG. New York, Harper and Brothers, 1918.—xxii, 430 pp.

The thesis until recently defended by most historians and still maintained by some, that a narrative of recent events can be nothing more than journalism, has been subject of late to a good many attacks. And now comes Professor F. A. Ogg, well known as a scholar and author of histories and books on government and politics, with a new attack. He does not argue against the thesis, it is true, but he produces evidence against it in the shape of a new volume, of *The American Nation* series, which covers the period from 1907 to 1917. The book possesses all the distinguishing characteristics of the most orthodox historical work. Authorities, often sources, are painstakingly cited for every important statement. There is appended a critical bibliography that is second to none in a series that is noted for the fullness and excellence of its bibliographies—a bibliography which, incidentally, is a god-send to every teacher and student of recent American history. The writer's style is historical. In spite of nearness to the events which he narrates, he maintains a detached attitude, except that he displays sympathy for progressive policies whether formulated by a Democratic or a Republican administration.

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In short, as a well-balanced account of the period covered, the volume compares favorably with any of the better volumes of the series of which it forms a part.

In his introduction the author declares with reason that the decade from 1907 to 1917 would rank high in importance even had there been no European war or had the United States been able honorably to keep out of the conflict. It was a period when the consciousness of the American people was being directed to the abuses and inequalities of the old economic and political order which had flourished uninterruptedly if not unchallenged from the close of the Civil War to the beginning of Mr. Roosevelt's administration. Extreme individualism, which had been championed for most of the time by both the old parties and supported by business interests and the public generally, was beginning to arouse serious questionings, and a strong sentiment was developing in favor of a greater degree of public control. The story of how this sentiment produced results in the form of legislative acts extending government regulation over corporations engaged in manufacture, commerce and finance quite naturally constitutes one of the more important themes of the book. The judicious manner in which Professor Ogg has analyzed and presented these new laws attests his scholarly ability as an investigator and causes his reader to admire the wide range and depth of his understanding.

Hardly less well done are the chapters that deal with the advance of the United States as a world power. Our relations with the Orient, South America and Mexico, and the extension of our interests in the Caribbean are especially stressed. Professor Ogg shows that President Taft, in formulating and carrying out his Caribbean policy, according to his own confession was actuated largely by the desire to protect and forward American business interests. On the other hand, President Wilson was not much impressed by such considerations, as he felt that a policy of "dollar diplomacy" would ruin the chances of building up a genuine Pan-American spirit — a matter that was always close to his heart in dealing with all Latin-American countries. Professor Ogg sagely remarks: "Such actual changes as took place, however, were in motive rather than method; for the broader demands of the national interest still irresistibly impelled the government to spread the ægis of its authority over the whole Caribbean region" (page 265).

Other chapters of the book are devoted to discussions of such topics as conservation, immigration, administrative expansion, democracy in

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government, and accounts of the various political campaigns that occurred during the decade. Of the last four chapters, one deals with the election of 1916; the other three deal with problems arising out of the European war and our intervention as a participant on the side of the Allies.

With regard to one of the important episodes discussed in these last chapters, the reviewer finds himself in disagreement with the author. This is the so-called Adamson eight-hour law. Professor Ogg condemns President Wilson's handling of the threatened strike of employes as unstatesmanlike. He says: "President Roosevelt stood firmly for arbitration against the arrogance of capital during the anthracite coal strike of 1902, and carried his point. President Wilson lost an opportunity similarly to advance the cause of industrial arbitration in 1916 by meeting the arrogance of labor with the high-minded censure it deserved" (page 339).

Instead of viewing the Adamson law as a step backward in the development of industrial arbitration, would it not be wiser to regard it as a far-sighted move on the part of the president to secure for his administration the whole-hearted co-operation of labor in case war should come? And does anyone now doubt that even in 1916 Mr. Wilson had already become convinced that war with Germany was unavoidable? Also, was not the law the first and perhaps most important step in the direction of government operation of the railways, which every student of transportation problems knew would be rendered necessary by war?

Attention has been called to the author's criticism of the Adamson law in order to illustrate the one prominent weakness of the book. This weakness is the failure to seize upon and interpret the larger significance of events. Although Professor Ogg promises in his preface "to venture a certain amount of definitive interpretation," as a matter of fact he does not fulfil entirely even this modest promise. Nowhere is this shortcoming more apparent than in the chapters that deal with the events preceding the entrance of the United States into the war. It would seem that these chapters should have contained some sort of analysis, however brief, of the material and spiritual forces which moved the American people to abandon their old policy of isolation and restricted Americanism and enter into the world struggle to find a wider Americanism or internationalism. Instead, the author confines himself to telling the story of diplomatic negotiations, and this story is told in such a way as to leave the impression that we went to war merely because Germany would not agree to our interpretation of international law.

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In calling attention to the book's lack of interpretation, it is not intended to disparage its great value in accomplishing its main function "of bringing together facts which are widely scattered, winnowing them, and building them into a compact record of the significant actions and achievements of the period covered . . . to serve the future historian by putting the crude materials of the hour to the first necessary tests of authenticity, sequence, and causal relation" (page xxi). This is by no means a light undertaking, but at the same time it is free from the peculiar dangers that beset any attempt at definitive interpretation. However, one sometimes wonders whether the proverb, "nothing ventured, nothing gained," so long applied to commerce, may not in time become applicable to history as well.

B. B. KENDRICK.

A Treatise on the Power of Taxation. By FREDERICK N. JUDSON. St. Louis, The F. H. Thomas Law Book Company, 1917 (second edition).—xxx, 1,144 pp.

When the first edition of this work was completed in 1902, the opinions of the United States Supreme Court were contained in 186 volumes. The present edition records the changes and additions made by the cases in the succeeding sixty volumes. A count of the citations in the table of cases shows that about 190 Supreme Court decisions subsequent to 1902 are discussed or mentioned. And a tape-measure estimate indicates that something over 280 cases from other courts contributed to the revision of the book. The aim of the work, as declared in the preface, is "to show the limitation of the taxing power of the state and federal government, so far as these limitations have been declared and expounded by the Supreme Court." Decisions of other courts are included only for amplification or illustration of the principles evolved by the Supreme Court. The author has overlooked few, if any, of the Supreme Court decisions rendered in the interim between his first and second editions. He appears, moreover, to have seen the cases in the reports, and not to have taken them on hearsay from the digests, as so many writers of so-called law books are content to do.

Nevertheless the revision, like the original edition, is a hand-book rather than a treatise. It tells concisely and for the most part with accuracy what the court has decided; but it does not get much beneath the surface. The important series of cases beginning with

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Western Union Telegraph Company *v.* Kansas, 216 U. S. 1, is disposed of in a section (199) of less than three pages. These cases marked a new departure in holding that state franchise taxes on foreign corporations cannot be measured by total capital stock, if the corporation is engaged in combined interstate and local business. The section gives no adequate idea of the problem before the court or of the pain which the court has given itself and others in finding a solution. An earlier section (196) repeats the statement of the first edition that the protection against state taxation which is accorded to corporations "carrying on interstate commerce" is limited to "corporations actually engaged in carrying on interstate commerce, that is, common carriers and others, who afford the facilities whereby commerce is carried on." Baltic Mining Company *v.* Massachusetts, 231 U. S. 68, is cited in a footnote without statement of what it held, other than that it sustained a state excise, and with apparently no recognition that it gave a fairly clear warning that trading corporations engaged in interstate commerce would be accorded the same protection as common carriers. The point was not explicitly established until last December, after the author's revision was in press, but for several years there had been good reason to anticipate the result which the author does not faintly suggest.

Though a similar cursory treatment is given to other cases decided since the first edition, the problems are more simple and the discussion is therefore more adequate. Among the subjects which these cases involve are the situs of movables and intangibles, the federal corporation tax of 1909 and the income tax of 1913, the reasonableness of methods of assessment and collection under the due-process clause, and the procedure for obtaining judicial relief. The author usually states the decisions in terms of their facts, instead of merely quoting some dull generality from the opinion. Thus he gives us faithful photographs of the *disjecta membra* of the law, and not an illusory projection of its astral body.

To call the work an excellent hand-book is to commend its usefulness to practitioners and students. To say that it does not rank with Dillon on municipal corporations or with Freund on the police power is merely to repeat that it is a hand-book and not a treatise. It cannot influence the development of the law as Freund and Dillon have done. But in these days when so many mediocre minds itch to compile headnotes and bind them in sheep or buckram, one gratefully welcomes a work so useful and relatively so satisfactory as this is.

THOMAS REED POWELL.

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RECORD OF POLITICAL EVENTS

[From August 1, 1917, to July 31, 1918].

I. THE WORLD WAR.

THE WESTERN FRONT. — The steady attrition of the German defense, which began with the English gains at Arras in the month of April, had continued through May, June, July and August, both French and English gaining ground and prisoners with every assault. By the end of August the French had advanced their lines to Bethincourt, Beaumont and Foyes Brook on the Verdun front, and the English to the outskirts of Lens on the Ypres front, with a bag of almost 10,000 prisoners. September saw further English gains, and October a major operation by the French which won them the **Chemin des Dames**, carrying their front to the Oise canal on the Aisne, and yielding them 11,000 prisoners, including 237 officers and 180 cannon.—By November American troops were in line and had established contact with the Germans, whose further retirement was forced by the French on a fifteen-mile front along the Ailette river, and whose nervousness was manifested at all points, particularly in Flanders, by constant artillery activity. In the latter region the British won **Passchendaele Ridge**, dominating the plains of Roulers, cleared it and held it against all counter-attacks. Their great *coup*, however, was the surprise attack of General Byng at **Cambrai.** The German troops at that point were mostly of the *Landwehr* and soldiers brought from the Russian front. The feature of the attack was the absence of artillery preparation and the substitution for it of "tanks." Hundreds of these "land-ships" were set in the first line of attack, followed by cavalry. They caught the enemy entirely unawares, and had the English been prepared they might have gone through, and perhaps ended the war. As it was, they took 9,000 prisoners, and after increasing their gains were in control of the strategic points commanding Cambrai. As Cambrai was a very important ganglion in the Germans' system of communications, attempt at recovery was inevitable. The Germans surprised the British in their turn, when, at the end of a series of counter-attacks which seemed to have exhausted them, they launched a hard **counter-offensive** at Bourlon to the east and Gonnelieu to the west of Cambrai. The attack on the right was successful, yielding the Germans 6,000 prisoners and 100 guns. In this battle American engineers, caught behind the German advance, dropped their picks and shovels and shouldered rifles to help their English comrades hold the line. From this time, the beginning of Decem-

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ber, to the beginning of the great offensive in March the record of the western front was one of raids and artillery duels. It became clear that political events in Russia were playing into the hands of the German High Command, which was withdrawing from the Russian front all seasoned troops to reinforce the Italian and the western fronts. One notable feature of the fighting was the increase of air combats; another, suggestive of the possible strategy of the Germans in the offensive which they were now expected to undertake, was the destruction of over 130 villages behind the St. Quentin sector.—The **great offensive** came March 21, on the Somme (see last RECORD, p. 1). It was accompanied by the long-distance bombardment of Paris with a new gun concealed in the St. Gobain wood, a bombardment of no military value in itself but designed to arouse popular feeling and thus bring pressure to bear on the Allied command which would lead to a waste of reserves. The Germans' attack was the greatest of the war; its purpose, to break the juncture between the French and the English forces. They struck in succession, right, left and center, using in all about 800,000 men for their blows. The battle began on March 21, after the greatest gas bombardment in the war, with a push of 300,000 men on the line Cambrai–St. Quentin–La Fère, toward Amiens. Von Below, attacking on the right, drove back the English Fifth Army toward Arras, while Marwitz, at the center, struck toward Péronne. Von Hutier, on the left, struck so hard and so successfully that the English Third Army, which formed the juncture with the French forces, had to retreat to Crozon, and in the fighting of the next two days still farther. This compelled the English center to withdraw behind the Somme, and the Fifth Army to move back toward Haie. The two movements created an opening between the Oise and the Somme. The English front was, in fact, broken, and if the cavalry which the Germans sent in to turn the English right had not been met, just in time, by French cavalry sent to fill this opening, a major disaster might have resulted. On March 24 and 25 the Germans continued pressing in the direction of Amiens. On March 26 von Hutier's push southwest between the Oise and the Roye Senlis road was finally stopped by French troops, relieving the English Fifth Army. On March 28 a new attack in the direction of Arras was stopped, and March 29, 30 and 31 saw a bloody battle on the Roye Senlis road. Noyon, Bapaume, Albert and Montdidier had had to be evacuated during the fighting between March 25 and 28. The German shattering of the English Fifth Army had compelled the French to send reinforcements and extend their lines, thus diminishing reserves and compelling a defensive battle. On April 1 the Germans were within six miles of the main railway from Amiens to Paris. To meet the patent need for man-power, General Pershing put all the forces at his command at the disposal of Ferdinand Foch, **generalissimo** of the

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Allied armies, appointed March 28, to counter the most serious danger the Allies had confronted since the battle of the Marne. When, on April 4, the Germans renewed the conflict in the **Picardy** area, they were met by unified command, under "the ablest strategist in France." They pushed the British back at Hamel, and by April 7 had forced back the French right three miles on a ten-mile front. Failing to get Amiens, they shifted the attack to **Flanders.** The point of assault there was the juncture of the English and Portuguese armies. By April 12 they had driven them to Merville, and General Sir Douglas Haig issued a special order declaring that the armies had their backs to the wall and must hold. They held on April 13, but on April 15 had to give up Neuve Église, with the Germans in the wedge between Messines and Givenchy, threatening Wytschaete and Passchendaele Ridge, and thence Ypres and Calais. On April 17 they took Poelcappelle and Langemarck, and on April 20 the English, counter-attacking, recovered Givenchy and Festubert. French reinforcements had come up, and the front was becoming "stabilized." The resumption of the German assault in the direction of Amiens yielded them Villers Bretoneux and Hangard, while in Flanders they took, on April 26, the famous **Mont Kemmel** and advanced to within two miles of Ypres. By April 29, however, von Arnim was checked in this region, with severe losses, the Allies retaking Locre and advancing their lines east and northeast. **American troops** (see last RECORD, p. 13, and The United States and the War, *infra*, p. 22), repulsed a fresh attack on Villers Bretoneux, which had been retaken, and the Allies improved their positions between Locre and Ypres, and east of Amiens and north of Albert. The front was "stabilized" and the interval until the end of May was filled with incessant local raids and tactical modifications of the Allied positions.—During the same interval, while the Germans were reorganizing their exhausted divisions, there seems to have been a change in the German command. There were rumors that Hindenburg was dead, and it is certain that Ludendorff was in command. Ready on May 27, he launched a heavy blow in an unexpected place, assaulting on a forty-mile front, from Rheims to Soissons. This assault carried him forward five miles, to the Aisne at Pont Arcey. The gains against the British, however, at Kemmel, on the Lys salient, were lost through British counter-attacks, while the assaults about Ypres, to the north and to the southwest, were repulsed. On May 28 pressure toward Soissons netted the Germans ten miles; on May 31 they were at the Marne, and had in their hands Soissons, 45,000 prisoners, and a tremendous amount of war material. This attack was not slowed up until June 2, when the Germans were held at Château-Thierry, forty miles from Paris. The extraordinary advance seems to have been due to an application of the method developed by von Hutier in his capture of Riga. It takes

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advantage of the fact that the Germans, being on the inner side of the circle of the front, can go down its radii from a center of reserves, while the Allies must go round the circumference. This enables the former to make swift and unexpected attacks at different places and in depth formation. Americans, meanwhile, had been participating more and more largely in the action. On June 2 American marines took Cantigny, with 240 prisoners. On June 4 they helped check the German advance at Château-Thierry, broke up an attack in Neuilly Wood, gained two-thirds of a mile and 270 prisoners. On June 6 and 7 they gained two miles on a front of six miles, and took Torcy and Bouresches. The German position was such that their offensive had to be continued to connect their Picardy and Aisne fronts. On June 9 they attacked on a line of twenty-one miles, Montdidier to Noyon, pressing back the French at the center to a depth of two and a half to four miles, but being held on the wings. By June 14 this effort also came to an end. The Germans widened their Montdidier salient a little but at enormous cost. Meanwhile the Allied counter-attacks and rectification of line continued, the French recovering Senlis Wood and taking 1,000 prisoners on June 11, driving the Germans back across the Matz and checking them north of Compiègne on June 13, and several days later throwing back with fearful loss an attack with three divisions on a fourteen-mile line on the Rheims salient. Shortly after, American troops occupied Belleau Wood, and took Torcy, northwest of Château-Thierry, with 300 prisoners, machine guns and war material. General Foch seems to have been engaged in a series of very successful tactical readjustments, taking points of vantage and bringing back prisoners both in the region of Soissons and in Flanders. The local actions netted in all 10,000 prisoners.—On July 15 came the **fifth German drive**, long delayed, according to rumor, by disease. After the usual artillery fire during the night, the infantry was sent forward at dawn on a sixty-mile front east and west of Rheims, the greatest pressure being toward Châlons. The Germans succeeded in crossing the Marne at several places and occupied Château-Thierry. Their initial gain was an average of three miles on a front of twenty-two miles. From that time on they were held, until July 18, when General Foch initiated a great **counter-offensive** on the German flank, between the Aisne and the Marne. The surprise this time was on the German side. They were thrown back a distance of six and a half miles and compelled to leave twenty villages and 4,000 of their crack troops in the hands of the French and the Americans who made the attack. Foch's intention was to cut off the enemy communications at Soissons, La Fère and Fismes, and all his strategy was directed to that purpose. The next two days his forces advanced two miles (July 19) and three miles (July 20) against heavy resistance, relieving the pressure on

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Rheims and clearing Château-Thierry of German troops. The resistance of these was perceptibly strengthening, although there was evidence that they would have to withdraw and knew it, but the Allied pressure was steadily maintained, and by July 30 the French and Americans were within two miles of Fère-en-Tardenois. German withdrawal, certainly to the Vesle and probably to the Aisne, seems certain.

THE EASTERN FRONT.—At the end of July the Russian army operating in Austria, demoralized by revolutionary propaganda and hunger, had retreated out of the whole of Galicia and nearly all of Bukowina. The forces of the Central Powers, pursuing, had reached the Dniester and taken Kolomea. A consultation at the front between Kerensky and Generals Alexeiev, Ruszky, Gurko and Guchkov failed to improve the situation, though a slight advance by the Rumanians, striking northward, did. On August 3 the Archduke Joseph entered Czernowitz, and on August 4 a Russian official announcement stated that, "owing to reasons of *morale*, some of our troops are not making the necessary resistance." General Kornilov was designated commander-in-chief of the army, to succeed General Brusilov, resigned. But the *morale* did not improve. By the end of August the Rumanians, who had opposed a stiff resistance to the enemy, as well as the Russians, were pushed beyond the Sereth: and the Teutons reported the capture of men and materials in great quantities. — In the north the same conditions prevailed. An advance toward **Riga,** begun by the Germans the last week in August, brought them, against slight resistance of a small part of the Russian army, into Riga on September 3. Somewhat less than three weeks later they drove the Russians out of Jacobstadt, occupied twenty-six miles of the left bank of the Dwina and took immense quantities of guns, stores, and prisoners. In the third week of October the Russians evacuated **Reval,** and in the fourth week the Germans withdrew from the Werder sector of the Riga front, ostensibly "to straighten out their lines," but actually to send an army to aid the Austrians on the Italian front. The confidence with which they regarded their eastern front may be judged from the extreme thinness of their lines there.—Meanwhile Kerensky had been displaced by the **Bolshevist commissaries,** whose foreign secretary, **Trotzky,** arranged an armistice for twenty-eight days from December 18. This was prolonged till February, and immediately on its expiration the Germans resumed operations. One army in the north overran Livonia, Courland and Lithuania, and seized the cities of Dvinsk and Minsk. Another, developing its campaign in the south, took Lutsk in Volhynia, and still more prisoners and materials: 1,353 guns, 120 machine guns, some 4,000 motor cars, 1,000 freight cars full of food, airplanes etc. — The Brest-Litovsk negotiations established the recognition by the Bolshevist régime of the independence of Finland and the Ukraine. In those regions the same

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conflict was carried on between radicals and conservatives, red guards and white guards, as in Russia proper. The Germans intervened in Finland on the ground that the Bolsheviki were assisting the "reds." In the Ukraine they established a government, in whose behalf the Austrians occupied Odessa on March 13, and Nikolayev several days later, while another column occupied Kiev. Toward the end of March the Germans' position for attack in both Petrograd and Moscow was extremely favorable. They had overrun Livonia and Esthonia, had had themselves presented with memorials of thanks from the inhabitants for saving them from the Bolsheviki, and were holding the line on the Narva Pskov front with only the "red" guardsmen between themselves and Petrograd. Against Moscow they held three centers of concentration, at Polotsk, Minsk and Gomel. To oppose them there was only the anti-Bolshevist Polish army of 80,000 men, drawn from the disintegrated Russian armies, under Dubor Mumicki. With them they made a military agreement for free passage toward Moscow.

MACEDONIAN AND ALBANIAN FRONTS.—Whatever might have been the causes that kept these fronts inactive on the Allied side, they seem to have become less operative with the unification of Allied command. Sporadic troop movements, raids and counters, which characterized activity on these fronts during the year past, gave way to movements that suggest a plan of campaign. On September 17 the Italians moved their troops eastward through Albania to a position menacing the Bulgarian right flank. On December 5 there was a burst of fighting on the entire Macedonian front, and after a lull of many months till the end of May a movement of Greek troops, supported by French artillery, on the Struma, a movement continued for gains on June 2. On June 11 the Serbs repulsed attacks in the Dobrudja. Activity was marked on this front also in the shape of raids from the lines held by French, English and Italian forces.—These raids developed in July into a notable offensive, in which the participators were Italian and French troops, aided by British monitors on the Adriatic coast. On July 9 the Allied forces captured Fieri, eighteen miles north of Avlona, and took 1,300 prisoners. On July 12 they occupied **Berat,** the Austrian base, and got possession thereby of large quantities of war material. The fighting has taken place on a sixty-mile front, from the River Devoli to the Adriatic. The Allied movement is in the direction of the Via Egnatia. This is an old Roman road reaching to Monastir, and is considered a key to southern Serbia. The Allied advance has succeeded in linking up the front from Saloniki to the Adriatic.

THE ITALIAN FRONT.—The series of offensives, begun by the Italians in August 1916, which had won them Gorizia and had brought them to within thirteen miles of Trieste, was developed in August 1917, with an attack on the Isonzo. This attack netted the Italians

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10,000 prisoners. It was followed by the capture of Monte Santo, and the Hermada, protecting Trieste on the Carso. From there the Italians made desperate way over the Bainsizza Plateau. On September 14 they took Monte San Gabriele, but the Austrians had meantime recaptured the Hermada and threatened attack on the Isonzo. — The changing situation in Russia played into their hands. Reinforced by divisions from that front, they launched an assault on October 24 between Tolmino and Plezzo. A combination of events, among them propaganda, bad generalship and Teutonic treachery, helped to break the front of the Italian Second Army, commanded by General Capello. Its rout forced the withdrawal of the armies on Bainsizza and the Carso, and the Austrians were enabled to go through. They drove the Italians out of Gorizia by October 28, following them to the Tagliamento by November 1. Lacking munitions and men, the Italians fought a delaying action from the Tagliamento to the **Piave,** in which the Alpini, Bersaglieri and the cavalry distinguished themselves.— General Diaz was made commander-in-chief of the Italian armies, replacing General Cadorna, who went as Italy's representative to the Allied War Council at Versailles. Under Diaz the armies recovered their *morale* and held. A concentrated attack between the Brenta and the Piave, however, forced another Italian withdrawal and meant danger to Venice. Naval co-operation, the flooding of an occupied area near Grisolera, seventeen miles northeast of Venice, and the advent of British and French artillery units, tended to stabilize the situation. —Toward the end of November counter-attacks gave the Italians back Monte Tomba. At the beginning of December they were further reinforced by British and French units and proceeded to consolidate their positions on the Piave, while the enemy intrenched on the Tagliamento. From that time to the new enemy offensive in June the initiative seems to have been largely with the Italians and their allies. In the middle of December a counter-attack on Monte Asolone drove the Austrians from this approach to the Venetian plain. A long period of artillery duelling and air fighting followed. On February 7 the Italians pierced the Austrian line on the Asiago plateau, taking 1,500 prisoners. Later they captured Monte di Val Bella, which they held in spite of counter-attacks. — Spring saw the constant flow of Austrian reinforcements, drawn from the Rumanian front, to the whole Italian line, from the Piave to the mountains. On the first of May heavy fighting took place in the area between the Adriatic and the Giudicaria Valley. On May 4 Emperor Charles and eight officials visited the front, evidently in view of the approaching drive. On May 9 the Italians took Monte Como, and from then until June 15 the warfare consisted of reciprocal raids. On June 15 the Austrians attacked along the entire front of one hundred miles, from the Asiago to the Adriatic. The battle was particularly violent in the Brenta

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and on Monte Grappa, and on the line of the Piave the Austrians effected a crossing in the direction of Treviso. They were, however, repulsed in the sectors held by the British and French, and later driven out of all the territory between the Brenta and the Piave. The Italian counter-attack drove them back to the river's further bank and cleared the Montello plateau of invaders. Then the river swelled and overflowed, isolated great bodies of Austrians from their supports, and added to the Italian victory. This was improved by an offensive between the Piave and the Brenta and a slight advance on the Asiago plateau. The Italians claimed 18,000 prisoners and Austrian losses to the number of 200,000; the Austrians retorted with a claim of 50,000 prisoners and Italian losses of 150,000. However that may be, the Italians recovered bit by bit the ground gained by the Austrians in their disastrous attack. By the middle of July they had recovered Col del Kerso and Monte di Val Bella, and had cleared the western bank of the Piave of enemy troops.

TURKISH FRONTS.—From the time the British entered **Palestine,** early in November, taking Beersheba and Gaza, to the time they withdrew their outposts at Es-Salt planted there at the end of March, their advance has been steady and strong. It is limited only by the small size of the force in General Allenby's command. This prevents an extension of the line, which is already rather thinner than is compatible with complete safety. As it stands, the whole of southern Palestine is now in the hands of the English. Jaffa was taken in November, and **Jerusalem** at the beginning of December. Jericho fell into English hands in February, and by March 30 the British column had advanced ninety-five miles northwest of Jericho, and destroyed the railway into the Hedjaz, thus breaking the enemy's communications with his army corps operating there. With more men, Allenby could easily have driven the Turk to Aleppo and effected a juncture with the Mesopotamian army.—That army, reorganized and restored, had, from the end of November on, been moving toward Aleppo. The death of Sir Stanley Maude (December 4) at Bagdad, of cholera, held up the advance for a while, but the end of March saw the troops at Khan Bagdadieh, 190 miles northwest of Bagdad, with more than 10,000 prisoners and much material to their credit. Their movement was in the direction of Mosul; they were threatening the Turkish communications with Constantinople.—Had the Russian army held, the movements of that and the English armies from Palestine, Mesopotamia and the Caucasus would have cleared Syria of the Turks. The Russian débâcle, however, destroyed that possibility for the present. Against bands of hastily and poorly armed Armenians and Georgians, Turkish soldiers, mostly led by German officers, advanced along the line Batum to Kars, and in March captured that fortress and 860 guns. By the middle of June they had advanced into Northern

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Persia and occupied Tabriz and Urumiah, sacking an American hospital in the former city and seizing the American and British consulates. With better communications they might be a menace to the British forces in Mesopotamia. The communications are very bad, however, and the distances very great. Armenian and Georgian resistance, moreover, has become stiffer and better organized.—Shortly after the capture of Jerusalem a **Zionist Commission,** headed by Dr. Chaim Weitzmann, was sent to Palestine under the auspices of the English government to begin the work of restoration there. The English military have been recruiting in England and the United States a Jewish division for service in Palestine.

OPERATIONS IN AFRICA. — In December London announced that what German forces survived had taken refuge in Portuguese territory. English-Belgian forces were in possession of all the German colonies. In May the British took Nanungu.

THE WAR IN THE AIR.—With an attack (August 30) on three French hospital posts behind the lines, the Germans initiated what seems to be a policy of such attacks co-ordinate with their submarine attacks on hospital ships. British and American hospitals on the French coast were bombarded October 5, and from then on attacks were made at different points. Between May 15 and June 1 British hospitals were bombed seven times. On May 28 an American hospital was attacked.—The usual raiding of cities has developed in frequency and effect, with London and Paris as the major German objectives, and munition towns, concentration points and railway centers those of the Allies. The latter carried out successful daylight bombing expeditions of various German cities, Karlsruhe, Coblenz, Freiburg, Innsbruck, and of concentrations of Germans at Ghent and Lille. On May 21 the British official announcement recorded 1,000 enemy planes downed in two months. Zeppelins were used by the enemy only twice, in September and in March, against England.

THE WAR AT SEA. — Elaboration of the **defense against submarines** by means of convoys, smoke screens, seaplanes, and particularly of the **depth-charge,** has created a considerable reduction in U-boat successes and a great increase in their destruction. According to Lord Beresford, speaking in London, July 8, the daily sinkings of British, Allied and neutral tonnage amounted in May to approximately 13,000 tons, in the middle of June to 1,900 tons, and in the first week of July to 3,000 tons. Other statements indicate that U-boats are at last being sunk or captured faster than they are being built.—Again, the ship-building of the Allies, and of the United States in particular, is beginning to catch up with the building program. On July 4, as a part of the celebration of Independence Day, 100 ships were launched in the United States. The launchings for the year ending June 30 amounted to 1,622 new ships of 1,430,793 gross tons, while Great Brit-

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ain's launchings for the year ending May 31 amounted to 1,906,838 gross tons. Among the ships completed in American yards was a sea-going steamer of 3,427 gross tons, made of concrete.—Toward the end of May submarines appeared off the American coast. They sank fifteen vessels between June 1 and June 5.—Early in the year a convention of seamen from both neutral and entente countries denounced the whole submarine practice and resolved upon an after-the-war boycott of German ships and sailors.—Of **naval raids,** the most striking were in the Mediterranean, the penetration of the mine defenses of Trieste by Italian motor boats and the torpedoing of two Austrian battleships. Captain Rizzo, who carried out the manœuver, repeated it in June by sinking the 22,000-ton Austrian dreadnought Svent Istoan as it was steaming for safety from Pola to Cattaro. Another dreadnought was severely damaged.—In the North Sea English and French sailors carried out a brilliant manœuver by sinking two old cruisers at **Zeebrugge** and **Ostend** and blowing up the mole. Zeebrugge was completely bottled up, Ostend almost completely. Both towns were thus rendered no longer available to the Germans for U-boat bases.—Raids upon convoys netted the Germans a number of sinkings, both of merchant and naval vessels. In October they sunk nine neutral merchant vessels and two English destroyers; in December five neutral and one English freighter, as well as four armed trawlers. The English reciprocated by destroying (November 3) the German auxiliary cruiser "Moewe" and ten armed patrol vessels, and by sinking (January 20) the former "Breslau" and beaching the former "Goeben" in an action at the entrance to the Dardanelles.—On November 29 the Inter-Allied Naval Board convened at Paris, under the chairmanship of M. Leguyes, the French minister of marine. France, Great Britain, the United States, Italy and Japan were represented. The conference established a permanent organization with frequent meetings. A plan was outlined for the co-ordination of all resources, without, however, any modification of the individual responsibility of commanders at sea.—In England discontent with the naval policy led to the removal of Admiral Jellicoe as first sea lord. Sir Rosslyn Wemyss was appointed his successor and a naval General Staff of three departments was created, home waters, overseas, and protection of trade shipping. The Germans have taken to sinking hospital ships.

THE FOOD PROBLEM. — Neutrals and belligerents alike have fallen under the rule of hunger because of the war. The difficulties of production created by the shortage in man-power, and the difficulties of distribution created by the shortage of shipping, have served to bring the nearness of famine home to all countries alike, and to strengthen among the members of the Entente the tendency toward unity of control, at least in the distribution of food. Holland, Norway and Sweden are subject to the distributive regulations of the Allies,

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whose chief concern in that connection has been that no Allied products should get to the Central Powers. The regulation on that point has increased in stringency in the course of the war. Thus an agreement with Norway, in February, limited the exportation of foodstuffs to the Central Powers to 28,000 tons of fish per annum. The shortage, which is world-wide, has led to strikes and unrest in Austria-Hungary and Germany, without prospect of alleviation from the reputed Russian resources. Famine is the rule in many parts of Russia, and the disease that goes with famine. The Rumanian peasantry is in dire want, and the Turkish authorities have had to resort to deception to quiet their subjects. Among the major powers of the Entente the growing stringency showed itself in the increasing regulation of distribution. Mr. Hoover announced toward the end of February that the most critical period in food history would come within the two months following, and emphasized the need for transportation facilities. Great Britain began compulsory rationing shortly thereafter, allowing, of beef a fourth of a pound per capita; of butter or margarine, four ounces. The Irish, disquieted by the export to England of food which they claimed was needed at home, made demonstrations.— In April, Mr. Hoover announced the need of a further reduction in the use of wheat, and asked for voluntary rationing in that and other commodities. The response of the American public was prompt and effective, and brought grateful comment from the authorities of both England and France. Nevertheless, the French minister of provisions had, in May, to order three meatless days a week for France, and the problem of provisioning Italy became acute enough to necessitate a conference between the Italian food controller and the French minister. Further reduction of the bread ration, proposed in Germany at about the same time, was opposed by the Reichstag's food council. In America, Mr. Hoover advised the discontinuance of the use of wheat. According to F. C. Walcott, of the United States Food Administration, famine is threatening the world. As many lives have been lost by starvation as in the fighting. The shortage approaches the condition of famine in Poland, Serbia, Russia, Italy, Greece, Albania and Austria-Hungary; is menacing in Turkey, Germany and France, and is serious in England and Portugal. The Allied and the neutral world are practically dependent on the United States. Late in July, however, Mr. Herbert Hoover, the American food administrator, speaking in London, announced that the crisis was over for America and the Entente, that the democratic powers had "turned the corner." Great **food reserves** had been created, at a time, moreover, when the difficulties of shipping were greatest, to meet all the Allied needs for next year, and to release the American people from the heavier restraints of conservation.

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NEW BELLIGERENTS.—The month of August saw the addition of **Siam, Liberia,** and **China** (q. v.) to the opponents of the Central Powers. China seized German vessels and banks. President Feng declared that the step was taken in spite of the serious internal problems with which the government was faced; he "could not bear to think that the dignity of international law should suffer through us." **Haiti** was added to the group on July 20, 1918, because eight Haitians had been lost on a torpedoed French steamer.

PEACE AND PEACE MANŒUVERS.—On the whole, the overture in the peace manœuvering is still with the Central Powers. Their achievements in the East have not altered the general situation: the Entente is still demanding honest specifications, and the Quadruple Alliance is still trying to shift the burden to the Entente. There is no doubt that the need of peace has been more strongly felt among the Central Powers. To secure it, short of military victory, they made use of the usual media: addresses and interviews from chancelleries, secret emissaries, and like means. Thus, they replied to Lloyd George's Queen's Hall address by interviews of Premiers Michaelis and Czernin, and of the Centrist leader, Erzberger. Czernin insisted that Austria was eager for an honorable peace and the lasting reconciliation of nations, and Erzberger declared that if once the representatives of the powers would meet face to face round a table, he was sure that an agreement would be effected.—On the third anniversary of the British declaration of war Lloyd George announced in this same **Queen's Hall address:** "They talk glibly about peace, but stammer over the word restoration. Before we have a peace conference they must learn to use the word 'restoration'." Michaelis, speaking in Berlin, said: "We will preserve our country by a strong and wise peace, in order that the German race may retain sure ground for its healthy and vigorous development." The utterances of both premiers were diplomatic.—A genuine peace proposal was issued from the Vatican on August 15, Assumption Day. The **Pope** addressed himself to all the belligerents. He proposed: (1) the total evacuation by Germany of Belgium and Northern France; (2) the submission of the issues with regard to Alsace-Lorraine, Italia Irredenta, the Balkan States, Armenia and Poland to examination "in a conciliatory spirit, taking into account the aspirations of the population"; (3) freedom of the seas; (4) the reduction of armaments; (5) the use of courts of arbitration to settle international disputes.—In Entente countries the proposal was felt to represent the opinions and hopes of Germany and Austria, and to have been inspired, probably, through the mediation of Matthias Erzberger, the Centrist leader in the German Reichstag. The **Engish reply** to it was swift and final: on August 17 Lloyd George, in a speech in the House of Commons, declared, without mentioning the papal document: "This is a fight to a finish." France

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paid no attention to it whatsoever. In Germany, however, Michaelis, in answer to a question in the Main Committee of the Reichstag, then in session, said that the German government had been unable to agree with its allies on a reply to the Pope. They had necessarily, he said, to maintain "reserve as to details," but the Pope's proposal "corresponds generally with our expressed attitude." The socialists and radicals of the Reichstag regarded this pronouncement as unsatisfactory and pressed for a clear statement that the government adhered to the Reichstag majority's peace resolution of July 19. But no further statement was forthcoming.—A diversion, on the whole helpful to the government, was created by the publication of **President Wilson's reply** to the Pope. This had been presented at the Vatican by the British minister on August 30. Its essential was a sharply-drawn distinction between the German government and the German people, and the declaration that a preliminary condition for peace negotiations must be the establishment of responsible and trustworthy treaty-making power to represent the German people. The other Allies were not inclined to acknowledge the distinction, but Lord Cecil, in England, suggested that the President's note sufficed for all the members of the Entente. In Germany the radicals exhibited a good deal of satisfaction at the distinction and urged that Mr. Wilson's statement called for serious consideration. The official statement of the Centrist party, September 6, urged the consideration of the president's pronouncement wholly in the light of its "essential and objective principle," and called attention to the difference between him and the representatives of the Entente. The pan-Germans, on the other hand, denounced Wilson's "insolence," and in the turmoil the government's dubious behavior on the Reichstag resolution passed without further notice.—**The German reply** to the Pope, together with the Austrian, was published September 21. It had been formulated in consultation with a Reichstag group, chosen, as Michaelis boasted, for the purpose, and showed much enthusiasm for the ends at which the Pope aimed, without giving any indication of willingness really to achieve them. Declaring Germany's love for peace and amity, her readiness to disarm, her acceptance of the principle of obligatory international arbitration, and her desire, "in accordance with . . . the peace resolution of the Reichstag on July 19, to find a practical basis for a just and lasting peace," the framers of this document omitted every specific reference, not mentioning even Belgium. Disarmament, furthermore, was to be limited by "the vital interests of the German empire and people," by "a spirit of reasonableness," and by "the situation in Europe." This failure to be more specific was due, Michaelis said, to his fear of a "one-sided public statement." It must be observed, however, that *Vorwärts*, praising him for the new spirit manifested, announced that specifications were intended and had been communicated by Kuehl-

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mann, the Imperial foreign secretary, to the papal *nuncio*.—The **Austrian reply** was a full acceptance of all the Pope's suggestions, and a warm wish that negotiations might begin; its emphasis on "the freedom of the seas" was an evident sop to German opinion. Count Czernin, before the Austrian Reichstag, publicly conceded disarmament, and the principles of "no annexations, no indemnities." And although skepticism among the Allies was clear enough, the pressure toward negotiation in Germany and Austria was strong. Gothein, speaking in the German Reichstag, October 8, openly declared that there was no hope for a decisive victory, and demanded peace by negotiation.—Meanwhile, peace-seeking **non-governmental agencies** have not been inactive. The Organizing Committee of the Socialist International Conference planned for Stockholm (see last RECORD, p. 19), issued a general manifesto on peace terms. This manifesto proposed the military equality of all the belligerents, repudiated annexations and indemnities, except in the case of Belgium, whose indemnity was to be fixed by the Hague Tribunal, urged the submission of the status of Alsace-Lorraine to a plebiscite, the political and economic independence of Serbia and Montenegro, the joint control of Saloniki by Serbia, Greece and Bulgaria, the independence of Russian Poland together with the autonomy of Prussian and Austrian Poland, an independent Finland connected with the Russian republic, an independent Czecho-Slavia within the Austrian empire, cultural autonomy for the Italians there, and an arrangement for the Irish similar to that for the Czechs. International security, the manifesto declared, was to be attained by means of a league of nations that could establish general disarmament and compel arbitration of disputes. It ended by appealing to the Socialists of Germany in behalf of the democratization of that country. It got an almost immediate echo from the Russian Central Executive Committee of the Council of Workmen's and Soldiers' Delegates, with the exception that the committee proposed the restoration of Belgium, Serbia and Montenegro out of an international fund.—The counter to this utterance was an **address to Congress** by President Wilson, December 4. America's paramount business, he said, was to win the war. Peace would be possible only when the German people had trustworthy spokesmen who would in their name "accept the common judgment of the nations of what shall henceforth be the bases of law and of covenant for the life of the world."—In Europe the adventure toward peace was resumed from a new quarter. It took the form of a letter from Lord **Lansdowne.** In it he disavowed, on the part of the Allies, any desire to force a particular form of government on Germany or to deny Germany a place in the commerce of the world. Let men get together, he urged, before the world's order and the system of civilization were entirely destroyed. He was willing even that the "freedom of the seas" should be a topic of discussion, if only

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there could be created some way of settling international problems by peaceful means. The letter met with various comment, but the opinion was widely held that it was a "Tory peace offensive" for the safeguarding of the old order of which Lord Lansdowne was a distinguished ornament.—An authoritative call to a peace that should establish a new order came, December 26, from **Trotzky,** Bolshevik Commissary for Foreign Affairs at Brest-Litovsk. There a conference was in process, between the representatives of the Bolshevik rulers of Russia on the one side, and of the Central Empires on the other. The conference had been arranged on the initiative of the Russians, in pursuance of their pledge to their constituencies to secure peace immediately. The principle governing the negotiations was to be a general peace on the basis of "no annexations, no indemnities," and the creation of a general fund for restitution of damage due to acts contrary to international law. — Count **Czernin,** speaking for Austria-Hungary, replied specifically that Austria wanted neither war-seized territories nor the enslavement of other peoples. **Kuehlmann,** for Germany, was doubtful. To the Allies, who had not yet spoken, Trotzky allowed ten days to adopt the terms of the Brest conference. President **Wilson** immediately met the Russian position with sympathy and understanding, and made the most explicit statement of war-aims that had yet been made. In a speech to Congress on January 8 he laid down **fourteen conditions** on which the United States would make peace: (1) an open covenant of peace, with no private international understandings among nations; (2) absolute freedom of the seas in peace or war, except when closed to enforce international covenants; (3) the removal of economic barriers among nations; (4) adequate guarantees for the reduction of armaments to the lowest point consistent with domestic safety; (5) the adjustment of colonial claims in such a way that the populations concerned may express their opinions on an equal basis with their suzerains, in the determination of titles; (6) the evacuation of Russia's territories, and freedom for Russia to determine her own political development; (7) the evacuation and restoration of Belgium; (8) the evacuation of all invaded French territories and the settlement of the injustice of 1871 in respect to Alsace-Lorraine; (9) the readjustment of Italy's frontiers; (10) autonomous freedom to be assured to the peoples of Austria-Hungary; (11) the evacuation of Rumania, Serbia and Montenegro, an outlet to the sea for Serbia, and a guarantee for the political integrity of the Balkan states; (12) an assured sovereignty for the Turkish portions of the Ottoman Empire, autonomous government for other nationalities in the empire, and free passage of the Dardanelles for all nations; (13) an independent Polish state, created from all Polish populations, with access to the sea; (14) a general association or league of nations to afford mutual guarantees of political independence and territorial in-

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tegrity to small and great nations alike. A day or two later **Lloyd George** made a statement which was practically an Anglo-French declaration. He agreed in substance with President Wilson.—The negotiations at Brest-Litovsk, on the other hand, speedily reached an *impasse*. Bulgaria accepted the Russian terms, and adjustment with the representatives of the Turks was not difficult. The Germans, however, demanded the independence of all occupied territories, without evacuation, and to this Trotzky and his fellow-commissioners could not agree. So the parleys at Brest-Litovsk failed. A new conference, at Stockholm, suggested by the Russians, was summarily refused by the German Foreign Office, whose military leaders had meanwhile broken the terms of the armistice regarding the shifting and regrouping of military units. Russian need compelled the resumption of negotiations and the request to prolong the armistice till February 18. At the new conference the newly independent Ukraine demanded representation. Its statement declared against annexations and required popular consent to any surrender or exchange of territory, and financial assistance to small states. At this the Germans balked. In fact, the representatives of the civil power could take no action without the sanction of the military chiefs. The latter were responsible for the ultimatum to Russia to give up Courland and the Baltic provinces on the penalty of the resumption of military operations and the occupation of Reval. This the Russians unanimously rejected and negotiations stopped once more. Meanwhile, the Central Powers made their replies to President Wilson. The advantage of position which the change in Russia had created for the Germans was reflected in Chancellor von Hertling's disagreement with the President on Poland, on Alsace-Lorraine and on the colonial question. He intimated that France and Belgium were to be held as pawns in bargaining over the peace table. He failed to touch on the readjustment of Turkey and Austria-Hungary. Count Czernin, speaking for the latter, professed himself to be in substantial agreement with the President also in regard to Poland. The **Inter-Allied War Council,** then at Verdun, replied that it could not find in the statements of the Central Powers any real approximation to the Allies' conditions, while the Russian Congress of Councils of Workmen's and Soldiers' Delegates, to whom Trotzky and his fellow-commissioners had returned for instructions, ordered the government to continue negotiations.—On February 11 President **Wilson** tried to establish a basis of negotiations by declaring **principles** instead of conditions. These, he told a joint session of the houses of Congress, were four: (1) Each part of the final settlement must be based on essential justice and serve to bring permanent peace; (2) peoples and provinces are not to be bartered like chattels in order to establish a mere balance of power; (3) territorial settlements must all be made for the benefit of the peoples concerned and

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not to adjust rival claims; (4) satisfaction must be given to the legitimate national aspirations of peoples. If, he added, essential justice and peace cannot be established by negotiation, it must be established by force.—His conception of the nature of peace, indicated by these four principles and by his other utterances on the subject, was endorsed by the **Inter-Allied Labor and Socialist Conference,** which acknowledged his international leadership. This conference met in London, February 21-23. There were present delegates from the Labor and Socialist parties of France, England, Italy, Belgium, Portugal and South Africa. They issued a full memorandum of war aims, repeating in substance the **British Labor Party's** declaration in December 28. Foremost in emphasis were a league of nations, with international co-operation for disarmament and the prevention of future wars; the restoration of Belgium, Serbia, Rumania and Montenegro; the governance of all future territorial changes by the laws of justice and right, with the repudiation of economic boycotts after the war. The conference voted to try to secure the assent of the Socialists of Germany to these conditions; then, and only then, a new *Internationale* was to be called; and it voted also to demand national Socialist Labor representation in every delegation to the peace conference. — **Von Hertling's reply** to Wilson was not long in coming. The four principles, he said, were acceptable, but they must be accepted equally by all the belligerents. He agreed to the independence of Belgium, but with such limitations as would safeguard Germany's interests. Alsace-Lorraine was not a debatable issue. For the rest, only British imperialism stood in the way of the desirable conclave. — Meanwhile, Camille Huysmans, secretary of the International Socialist Bureau, transmitted to the **German Socialists** the Memorandum on War Aims adopted by the Inter-Allied Conference at the London meeting in February. The Germans' answer to the proposal did not come until the end of May. Then the executive committee of the party, meeting in Berlin, announced the "indirect" receipt of the communication. Scheidemann, leader of the Socialist majority, immediately declared the program of the Inter-Allied Conference as annexationist and the committee adopted a **resolution** reaffirming the adherence of the German Socialists to the Reichstag peace resolution of July 1917. This seems to have closed the attempt at a common understanding from that particular point of approach. — The coercion of a Russia disarmed by the action of her own leaders, the great spring offensive in France which was thus made possible, and the total reliance on force led President Wilson, on the first anniversary of America's entry into the war, to declare that since the Germans wanted force, they should have it: "force to the utmost—the righteous and triumphant force which shall make right the law of the world and cast every selfish dominion down in the dust." Berlin's answer was to put the onus for

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continuing the war and for the bloodshed of the new offensive on the Entente's "will to war," while Czernin, addressing the city council of Vienna, affirmed his acceptance of Wilson's four principles as a basis of negotiation, and declared that only Alsace-Lorraine had stood in the way of peace with France. Whereupon Premier Clemenceau, an old man near eighty, made a sharp denial, saying that discussions had in fact taken place, but upon Austrian initiative. He finally published a letter (sent with the express stipulation that whatever happened, it was to be kept confidential, and received on that condition) from the Emperor Charles to **Prince Sixtus** of Bourbon, asking him to communicate to specified French officials his desire for peace, and offering to use his personal influence toward its establishment; toward making secure "France's just claims regarding Alsace-Lorraine," toward the restoration of Belgium and of Serbia. The date of the letter was March 31, 1917. It had been, so it appeared, discussed by the French president and premier, in conjunction with a committee of the French house, and by the English king and prime minister, and disregarded as insincere because it had made no mention of Italy. This came out in a reply by Mr. Balfour to questions of pacifist and negotiationist members of Parliament, on May 16. The minister added that "if any representative of any belligerent country desires seriously to lay before us any proposals of peace, we are ready to listen to them."—A suggestion that Germany might have such a desire came on June 24 when Herr **von Kuehlmann** declared in the Reichstag that a military victory was impossible and that the war could be ended only by negotiations. He hoped, he added, by way of mitigation of this remark, that the Entente would "approach us with peace offers which will correspond with the situation and satisfy Germany's vital needs." All that Germany wants is the freedom and integrity of her territorial possessions and freedom of the seas. Chancellor von Hertling then referred to his assent to Mr. Wilson's "four points of peace" and wanted to know why Wilson had not answered him. Kuehlmann's remark aroused great indignation among the pan-Germans and finally cost him his position. In declaring the character of German foreign policy under Kuehlmann's successor, Admiral von Hintze, von Hertling stated, July 11, that Germany did not intend to retain Belgium. "The present possession of Belgium only means that we have a pawn for future negotiations. We have no intention to keep Belgium in any form whatever." Peace, he added, might be had at once if guarantees were forthcoming for the further inviolability of German territory, for freedom for economic expansion, and security in regard to the future. His position respecting peace conditions remains what it was in his reply to the Pope.—Meanwhile the **Laborites** and **Socialists** had succeeded in transmitting their statement on war aims to the Socialists of enemy countries. Arthur Henderson

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announced that those of Bulgaria accepted it, with certain minor reservations respecting Macedonia; that those of Hungary had submitted a similar statement to the committee in Stockholm; that those of Austria had accepted the principle as a basis of discussion and had endorsed the suggested federal system for Austria-Hungary and the Balkan states. The German minority Socialists had submitted a statement to the Stockholm committee on the lines of the Inter-Allied memorandum, but the majority had only expressed its willingness to take part in an international conversation on the basis of proposals made by the neutral Socialists.—President Wilson, meanwhile, had restated, in an **address at Mount Vernon** on July 4, the Allied war aims, as (1) the destruction or reduction to impotence of every arbitrary power that can disturb the peace of the world; (2) a settlement on the basis of the free acceptance of the conditions of the settlement by the peoples immediately concerned; (3) the consent of all the nations to be governed by the same principles of honor and of respect for the common law of civilized society that govern individual citizens of modern states; (4) the establishment of an organization of peace. He said these might be summed up in a single sentence: "What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind."—Baron **Burian,** addressing the Austrian and Hungarian premiers, on the eve of a meeting of the Reichstag, July 16, approved "to a great extent" these "four new points of July 4," and declared his readiness "to discuss everything except our own territory." The Allies' territorial claims were insurmountable, but those were the only things now dividing the belligerents. He insisted that Austria's internal affairs were her own business, and that discussion of them by the Allies was an "offensive of irritation." A new hoist was given to the situation by Lloyd George's address to a deputation of the National Union of Manufacturers (July 31). The longer, he declared, the war continued, the sterner would be the economic terms on which peace would be made. As between the Allies, the fullest possible economic agreement was necessary. The problems of raw materials and transport after the war were such as to require complete understanding between Great Britain, the Dominions and the Allies. He declared also for trade preference within the Empire. On the same day a new letter from Lord **Lansdowne** was read at a conference of his supporters. It repeated his ancient plaint: the world is being drained of manhood and wealth, the birth rate is declining and the desire for peace is widespread. But the efficient spokesmen of the belligerents indulge only in recriminations and controversies. The time to make peace is now, when the Allies are demonstrating their power more than to hold their own in battle. Any reasonable proposal should be considered. Two days before this (July 19) the **national Congress of the French Social-**

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ist Party passed a resolution demanding that the government revise its war aims, denounce imperialism and declare for a peace on the basis proposed by President Wilson. A separate resolution demanded immediate negotiations for establishing a **League of Nations.**

THE UNITED STATES AND THE WAR. — When, on April 2, 1917, President Wilson asked Congress to declare the existence of a state of war with Germany (see last RECORD, p. 23), he made reference to the allies of that power, observing that "they have not made war upon us or challenged us to defend our rights and our honor. . . . I take the liberty, for the present at least, of postponing a discussion of our relations with the authorities at Vienna." This postponement lasted for eight months. On December 4, addressing the houses of Congress, President Wilson said: "**Austria-Hungary** is for the time being not her own mistress but simply the vassal of the German government. We must face the facts as they are and act upon them without sentiment in this stern business. The government of Austria-Hungary is not acting upon its own initiative or in response to the wishes and feelings of its own peoples, but as the instrument of another nation." Congress, acting upon the President's recommendation, declared, on December 7, the existence of a state of war between the governments of the United States and Austria-Hungary; and this was done with only one dissentient vote, that of a Socialist representative from New York. War was not declared against Bulgaria or Turkey; for the President had taken the view that, while these states were tools of Germany, they did not yet stand "in the direct path of our necessary action." In the course of his address, he defined the purposes of the Allies in several striking passages. "This intolerable thing of which the masters of Germany have shown us the ugly face," he said, "this menace of combined intrigue and force, which we now see so clearly as the German power, a thing without conscience or honor or capacity for covenanted peace, must be crushed, and if it be not utterly brought to an end at least shut out from the friendly intercourse of nations. . . . Let there be no misunderstanding. Our present and immediate task is to win the war, and nothing shall turn us aside from it until it is accomplished. . . . Those who desire to bring peace about before that purpose is achieved I counsel to carry their advice elsewhere. We will not entertain it." There must be a settlement based on justice and reparation. If the German people should continue after the war to accept the government of their present masters, "it might be impossible to admit them to the partnership of nations which must henceforth guarantee the world's peace."—At the close of November the United States participated in the **Inter-Allied conference** which sat for several days at Paris. The American representatives included Colonel E. M. House, General Bliss, Admiral Benson, and several others. Subsequently the government gave out an

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abstract of Colonel House's report, which recommended the exertion of influence to secure unity of action among the Allies, the further development of the American shipping program, and the despatch of fighting forces "with the least possible delay incident to training and equipment."—Intervention in **Russia,** as proposed by the British and French governments, apparently did not meet with the approval of President Wilson at the outset. There was a long delay in deciding upon the desirability of intervention, and afterwards upon the form which it should take. Finally, however, a small American force cooperated with the British in effecting a lodgment on the Murman coast of northern Russia: and plans were made in the same month (July) to despatch several regiments to Vladivostok for the support of the Czecho-Slovaks and other Allies and to assist in the economic rehabilitation of Russia by means of a civil commission wholly American in personnel.—**Military preparations** were pushed with vigor. In September, when 687,000 draft recruits assembled in training camps, the armed forces of the country (including 233,117 men in the navy) aggregated 1,633,141. The equipment and instruction of such large bodies of men, under circumstances which demanded quick results, placed the War Department under heavy strain. There were delays in the building of the cantonments (sixteen for the national guard and sixteen for the draft recruits), in the provision of blankets, overcoats, and rifles; and much criticism was offered in the newspapers and in Congress (see *infra,* Congress). But in view of the magnitude of the task, the progress made was impressive. It had at first been assumed that the furnishing of man-power would be quite subordinate to the support of the European Allies with foodstuffs, munitions, aircraft, ships, and money. An army of several millions was not contemplated. But the rapid changes taking place in Russia and the transfer of German troops to the western front raised new problems. On March 27 the British prime minister sent an appeal for "American reinforcements in the shortest possible space of time," declaring that "we are at the crisis of the war, attacked by an immense superiority of German troops." Meanwhile the secretary of war, having visited France and conferred with the commanders at the front, had begun to readjust American military plans. Each month saw a marked increase in the flow of soldiers to Europe: March, 83,811; April, 117,212; May, 244,345; June, 276,372. By the end of July there were 1,300,000 men either directly under the command of General Pershing or brigaded with the Allies in France and Italy. Contemplating a great expansion of the military establishment, the secretary of war asked Congress to appropriate some twelve billions for the fiscal year 1919. He also secured legislation which extended the provisions of the draft to young men reaching the age of 21 since the registration of June 5, 1917 (thus securing an additional 750,000 men) and which empowered the exec-

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utive to incorporate drafted men into the army without restriction as to numbers.—By the end of October 100,000 men had been transported to France. For the first time in the course of the war American soldiers now occupied first-line trenches (apparently in Lorraine); and on November 3, in their first clash with the Germans, they lost three killed, eleven wounded, and eleven captured. On March 6 they held four and a half miles of the front; three months and a half later, thirty-nine miles divided into six unequal sectors; and there were then 800,000 American troops in France. The first independent American attack was delivered on May 28 when the village of Cantigny was taken with 200 prisoners. In the first weeks of June a series of attacks were made upon German positions northwest of Château-Thierry, and with equal success; the Germans, though stubbornly contesting the ground, had to retire from Belleau wood with a loss of more than 1,000 prisoners. The casualties, as reported to August 1, amounted to 14,455 men, of whom 3,398 had been killed in action or had died of wounds.—For the first fourteen months of the war the expenditures of the government, including loans to Allies, totaled $12,354,542,000. — On June 28 Secretary Daniels stated that 450,000 were now serving in the navy. In the first year of the war 1,275 naval vessels of 1,055,116 tons were built.—German **submarines** naturally made every effort to interrupt the passage of troops to Europe. Under the circumstances the failure to take heavy toll from the transports was regarded as a tribute to the effectiveness of the Allied patrol. On October 17 the American transport "Antilles," on its homeward voyage, was torpedoed with the loss of some seventy persons. The Cunard liner "Tuscania," used as a transport for American troops, was torpedoed and sunk off the north coast of Ireland on February 5. More than 200 Americans were lost. It was stated in February, 1918, that over 171,000 tons of American ships had been sunk by U-boats in the course of twelve months. Towards the end of May German submarines appeared off the Atlantic coast of the United States. Within three weeks they sank nineteen vessels, for the most part small in tonnage. The operations continued through July, but without causing serious damage.—A second **Liberty Loan** (see last RECORD, p. 24) was issued in October, bearing interest at four per cent. The request for $3,000,000,000 was met by subscriptions of $4,617,532,300 from 9,500,000 persons. Bonds were issued for the three billions and fifty per cent of the excess. On March 25 the secretary of the treasury announced the terms of the third Liberty Loan: $3,000,000,000 offered at four and a half per cent and maturing in ten years, but not convertible, as in the case of the first two loans, into bonds of any later issue bearing a higher rate of interest. The drive for the loan began on the anniversary of the entrance of the United States into the war. A month later it was announced that 17,000,000 persons had subscribed $4,170,000,000. In July Congress authorized a fourth loan of

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$8,000,000,000. By the end of the first year of the war the United States had extended to the Allies financial credits of $5,160,600,000.—In July, 1917, when the government unfolded its ambitious plan for the construction of a fleet of 22,000 **airplanes** (see last RECORD, p. 27), the imagination of the country was touched; Congress, without a dissenting vote, appropriated $640,000,000 for the purpose. But when, on March 4, the War Department asked for an additional grant of $450,000,000, it did not appear that any substantial progress had been made toward the achievement of the plan. Almost six months earlier the secretary of war had announced that American engineers had completed a new standardized motor (the "Liberty motor") which he described as "the best aircraft engine produced in any country." But at that time, in spite of his confident language, the motor was still in the experimental stage; and, as later developments showed, it was unsuited for use in battle-planes. At the close of the first year of the war, after the expenditure of enormous sums of money, the situation was, as the Senate Committee on Military Affairs reported, "gravely disappointing." The most severe arraignment of the administration came from Gutzon Borglum, whom the President had permitted to undertake an official investigation of aircraft production. He attributed the failure, in part, to dishonesty and pro-Germanism in certain quarters. Some of his charges seemed so extravagant, however, that little confidence could be given to his report. The course taken by President Wilson also tended to allay public disquiet. He placed at the head of a new Aircraft Production Board John D. Ryan, a man of high repute as an organizer and executive. He also appointed Charles Evans Hughes, Republican candidate for the presidency in 1916, to act with the attorney-general in investigating the "very serious charges of dishonesty" brought against the aircraft branch of the military service.—On August 24 the **Shipping Board** announced plans for the construction of 10,000,000 tons and asked for an appropriation of $1,134,500,000 in addition to $800,000,000 already granted. Three months later, when contracts for 884 new vessels of 4,724,300 deadweight tons had been signed, the building program seemed in a fair way of execution. Unfortunately the retirement of General Goethals as manager of the Emergency Fleet Corporation, which had direct charge of construction (see last RECORD, p. 25), was followed by further changes in personnel. One after another, his successors resigned. It was natural, under such circumstances, that progress should be slow. Chairman Hurley of the Shipping Board expressed deep disappointment over the fact that only 166,700 tons had been completed in March, 30,000 tons less than the lowest estimate. The country was reassured, however, when, on April 16, Charles M. Schwab succeeded Mr. Piez. His influence made itself felt at once in the speeding-up of work in the yards. In the week ending May 5 sixteen vessels, with an

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aggregate tonnage of nearly 80,000, were launched; on July 4 ninety-five merchant vessels of 475,000 tons, and seventeen war vessels. A steel collier of 5,500 tons was launched at New York on May 5 just twenty-seven days after the laying of her keel; a destroyer was launched at Mare Island in seventeen days. Contracts were placed in China and Japan, the Japanese yards undertaking to build thirty ships with an aggregate tonnage of 253,000. A somewhat larger tonnage was obtained in Japan by purchase or charter.—On July 28 President Wilson appointed a War **Industries Board,** with Frank A. Scott of Cleveland as chairman. This step was taken to end the confusion which had come in the varying theories and practices as to prices to be paid by the government through the departments and the committees of the Council of National Defence. Early in August the board announced that, wherever possible, supplies would be obtained through contracts at fixed prices, with the "cost-plus-profit" plan held in reserve for cases where the manufacturing prices were very complicated and where conditions could not clearly be foreseen.—On October 14 President Wilson, acting under provisions of the Trading with the Enemy Act, appointed a War **Trade Board** which, with wider powers, replaced the Exports Administrative Board. Vance McCormick, chairman of the old board, was retained in that position. The War Trade Board was empowered to issue special licenses authorizing persons to transact business with enemies or their allies and to license business concerns, other than insurance companies, owned by enemies or their allies, to do business within the United States and to "assume or use other names than those by which they were known at the beginning of the war." The President also established a War Trade Council (consisting of the secretaries of state, the treasury, agriculture, and commerce, the food administrator, and the chairman of the Shipping Board) to advise the War Trade Board on questions of policy. The President also erected, under the Trading with the Enemy Act, a Censorship Board (composed of representatives of the secretaries of war and of the navy, the postmaster general, the War Trade Board, and the chairman of the Committee on Public Information) to control mail, telegrams, cablegrams, and wireless messages passing between the United States and any foreign country. He also authorized the Federal Trade Commission to make use of patents held by enemy subjects for the needs of war, under certain safeguards of the property rights of the enemy subjects holding the patents. The administration of enemy alien property rights, in so far as these might be suspended or modified by the existence of a state of war, was entrusted to an alien property custodian, A. Mitchell Palmer of Pennsylvania. — In view of the serious congestion of freight, delays in the movement of war supplies as well as of fuel and food, the President issued a proclamation bringing the **railroads** under government control and opera-

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tion on December 28. He appointed the secretary of the treasury as director-general of railroads. He gave full credit to the railroad managers for their loyal efforts to operate the lines efficiently under the stress of war conditions, but pointed out the necessity of unified control to meet the existing critical conditions. He assured the owners, at the same time, that their interests would "be as scrupulously looked after by the government as they could be by the directors of the several railway systems." Congress, in response to a message delivered before the houses on January 4, passed a railroad bill which regulated the financial aspects of the transfer from private operation (see *infra*, Congress). On May 20 the director-general authorized 182 roads, for the most part the larger ones, to spend $938,000,000 for improvements and equipment during the next fiscal year. Six days later he conceded wage increases aggregating $300,000,000 a year to the employes (see *infra*, Capital and Labor); and, in order to meet the increased outlays raised freight charges twenty-five per cent and passenger fares to three cents a mile. On June 17 the Interstate Commerce Commission reviewed the results of government operation during the first four months of the year. Its report showed an increase of nine per cent in gross revenues and a decrease of forty per cent in net income. While this was the poorest showing the railroads had ever made in a period of four months, the adverse weather conditions in January and February were held largely responsible. In April the net income fell off only three and three-tenths per cent as against the average of forty per cent. On May 28 the director-general authorized the merger of four express companies into a federal express company to handle all business on the government railroads.—By proclamation of the President, issued under authority of a statute (see *infra*, Congress), the **telegraph** and **telephone** systems of the country passed under government control on August 1. The operation of the lines was entrusted by the postmaster general to a committee composed of John C. Koons, first assistant postmaster general; David J. Lewis, of the Tariff Commission; and William H. Lamar, solicitor for the Post Office Department.—On August 23 the President appointed Harry A. Garfield as fuel administrator. Although considerable advances in the price of both anthracite and bituminous coal were permitted, in order to meet wage increases and stimulate production, the eastern states faced an acute shortage in the supply of coal when the cold weather of December set in. In the face of this crisis the fuel administrator issued, on January 16, a drastic order for the purpose of conserving coal and relieving railroad congestion. The order affected all territory east of the Mississippi as well as Louisiana and Minnesota. For the five days beginning January 18 and for the nine Mondays following, it prohibited the use of coal by manufacturing plants (with certain exceptions); and for the specified Mondays offices, stores, and places of amusement

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came under the same prohibition. In a public statement Mr. Garfield explained his action and asked for patriotic support. Protests came from all parts of the country, however, and the Senate, by a vote of fifty to nineteen, asked that the order be suspended for a period of five days so that the conditions might be further examined. This request was not granted. In view of the sharp criticism of the fuel administrator President Wilson came to his support, declaring that the order was absolutely necessary to get ships away, to move great quantities of food, and to keep the people warm in their homes. "Half-way measures would not have accomplished the desired ends." On February 13 the administrator suspended the general operation of the order, while giving state authorities the power to keep it in effect where needed. According to the estimate of an expert, nearly 3,500,000 tons of coal were saved by the fuelless days; but the loss to industry was placed at about one billion dollars. On June 10 the fuel administration impressed upon the country the need of rigid economy in the use of coal. An order was also issued limiting manufacturers of pleasure automobiles to twenty-five per cent of the amount of coal used in the last year.—On August 10 President Wilson signed the **food control** bill (see last RECORD, p. 37) and appointed as food administrator Herbert Hoover, who had long supervised the war rationing of Belgium. The main functions of the administrator were to ensure the despatch of sufficient foodstuffs to the Allies in Europe and, for that purpose, to promote economy in consumption at home, suppress food speculation, and keep prices steady. Mr. Hoover, in dealing with these important problems, relied partly upon voluntary co-operation and partly upon legal compulsion. Rules were formulated, and modified from time to time, designating certain days of the week as "wheatless" and "meatless" and limiting the consumption of sugar. In December manufacturers of bread and other bakery products were brought under a license system and under regulations as to the weight and content of their products. In January the administrator announced that hoarding food—holding it or contracting for it in excess of reasonable requirements for a reasonable time—would henceforward be severely punished under the law. Other measures included a reduction in the alcoholic content of beer and the fixing of a basic price for wheat. On January 25 the British food controller declared that, without an additional 75,000,000 bushels of wheat from the United States, the Allies might not have food enough to win the war. "Imperative necessity compels me to cable you in this blunt way," he added. Mr. Hoover replied that he would send "every bushel of grain that the American people save from their normal consumption." Next day the President issued a proclamation suggesting means by which wheat consumption could be reduced by the thirty per cent "imperatively necessary to provide the supply for overseas." In April the food administration

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issued new rules which reduced the allowance of householders to a pound and a half of wheat products weekly for each person, required public restaurants and clubs to observe two wheatless days a week, and limited the amount of wheat from which retailers could sell to individual customers.

II. INTERNATIONAL RELATIONS

EUROPEAN AND ASIATIC RELATIONS. — International relations have all become exclusively functions of the great war. They are all aspects of the bearing of the needs of the belligerents on neutral states, and involve mostly the questions of shipping, trade, the food supply, and intervention in Russia. With **Holland** the United States had a dispute of long duration concerning the destination of American grain bought by Dutch merchants. The sailing of grain ships was permitted in August on condition that the greater part go for Belgian relief, and subsequent shippings were apportioned so that as little as possible might get to the enemy. Another issue concerned shipping, of which the American government secured, at the end of January, 500,000 tons for use in coastwise trade. As the dearth of tonnage became more troublesome the need for getting control of all that was available finally led the United States and Great Britain to take over **Dutch ships** for the use of the Allies. Out of 1,000,000 tons, 70% were to be distributed in American ports, 15% in British and 15% among the other Allies. The ground for action was the *lex angaria* under which belligerents may use neutral ships for a compensation. — With the **Scandinavian countries** also agreements were made as to both tonnage and food shipments. — On September 8 Secretary Lansing published three dispatches forwarded in the Swedish cipher to Germany by Count **Luxbourg,** German ambassador to the Argentine, through the Swedish legation there. One recommended that two Argentine ships approaching Bordeaux should be passed unchallenged or *spurlos versenkt.* Luxbourg received his passports September 12, and anti-German demonstrations in Buenos Aires were numerous and destructive.—The fate of **China** continues to be a subject of discussion and negotiation. In November the United States and Japan, by the so-called **Lansing–Ishii agreement,** exchanged notes in which Japan agreed not to "infringe in any way upon the independence and territorial integrity of China," and firmly to adhere to the policy of "the open door," while the United States conceded the special interest of Japan toward China to be of the same kind as the United States has toward South and Central America. In May, Japan and China concluded a treaty establishing a defensive alliance for the duration of the war, and in June China protested against the transfer by Russia to Japan of part of the Chinese Eastern Railroad.— War's exigencies are forcing the democratic powers to a more intimate

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and effective organization. In November was arranged the first **military and economic conference** with America participating. The chairman of the American Commission was Colonel House, and he had instructions from the President to insist on unity of plan and control. After a series of preliminary meetings the conference convened officially in Paris on December 1. Different groups were organized to consider special problems, particular emphasis being laid upon shipping. Fifteen states were represented. — On May 10 the Austrian and German Kaisers concluded a treaty establishing a twenty-five year military alliance between the two empires, and practically giving the Germans full control over the Austrian army.—The war treaty of Great Britain and France with Italy, made public by the Bolshevik ministry on January 26, was abrogated May 18 and a new treaty arranged.—According to a Central News dispatch from Tokio on July 17, Japan, through its Diplomatic Council, has agreed to the American proposal for **joint intervention** in Russia. Russia is to be assured that the intervening powers have no aggressive designs, and a relief expedition is to accompany the military forces. Vladivostok is to be used as a base and co-operation developed with the Czecho-Slovaks. A commission of American civilians to upbuild Russia agriculturally and industrially is also to be sent. Japan and China had made a treaty bearing on questions of joint military intervention in Russia on May 17.—Relations with Germany were almost broken by **Argentina,** and actually by **Costa Rica, Peru** and **Uruguay.** In Argentina the Senate voted for the break, on account of the Luxbourg incident, May 21-23, but Germany hastened to offer assurances of her complete disapproval of Luxbourg's conduct. Uruguay had no special grievance; justice, her announcement declared, demanded the action.

AMERICAN RELATIONS.—On November 2, as the result of Viscount Ishii's special mission to the United States, a diplomatic agreement of the highest importance was concluded between that country and Japan. The United States "recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous. The territorial sovereignty of China, nevertheless, remains unimpaired." The two governments declare that "they always will adhere to the principle of the so-called 'open door'" and that "they are opposed to the acquisition by any government of any special rights or principles" which would affect the independence of China or the principle of the "open door." This agreement and the frank explanations of Japanese policy served, as Secretary Lansing said, to undo the propaganda of years and show both nations how near they came to being led into the trap which had skilfully been set for them. China, however, made formal protest, declaring that she would not be bound by agreements between other nations.—The detention of Dutch ships in American harbors led to protracted nego-

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tiations. In January, after accepting proposals which would have released some of this tonnage, Holland was forced by the hostile attitude of Germany to withdraw from the agreement. Great Britain and the United States insisted upon compliance, threatening, in case of obduracy, to seize all Dutch vessels in their harbors. Holland still held back; and on March 20 President Wilson issued a proclamation directing that the vessels should be put into American service forthwith. The President promised ample compensation to the owners as well as suitable provision to meet the possibility of losses through enemy action.—In December Mexican bandits made several raids upon Texas ranches, and in each case, being pursued across the border by American troops, lost heavily in killed and wounded.—On June 28, in view of disorders growing out of a postponed presidential election, American troops assumed police duties in the terminal canal cities of Panama and Colon.—In June the general arbitration treaty between the United States and Great Britain was extended for a period of five years.—In February the United States reached an agreement with Spain providing for the supply of mules, blankets and food to the American forces in France.—On May 3 the United States and Norway entered into an agreement which provided for the exchange of certain commodities and for the restriction of Norwegian exports to Germany.—On March 11 President Wilson addressed a message to the Congress of Soviets meeting at Moscow, Russia, to act upon the peace treaty with Germany. He expressed sympathy with the Russian people and declared that the United States would avail itself of every opportunity to secure for Russia complete sovereignty and independence.

III. THE UNITED STATES

CONGRESS.—The special session of the Sixty-fifth Congress (see last RECORD, p. 35) terminated on October 6. No other Congress during a period of six months reached more momentous decisions. It declared a state of war with Germany; it provided for the raising of a great army by conscription; it appropriated almost nineteen billions, mainly for the prosecution of the war (including generous loans to the Allied powers); it established a system of naval and military insurance such as none of the other belligerents had contemplated; and, in spite of the traditional prejudice against the exercise of autocratic authority, it granted to the administration a very wide discretion in the Espionage Act, the Food Control Act, and other legislation. This course met with almost universal approval. It brought strong words of commendation from the President. Congress, he said,

> deserves the gratitude and appreciation of a people whose will and purpose I believe it has faithfully expressed. One cannot examine the record of its action without being impressed by its completeness, its courage, and its full comprehension of a great task. . . . It seems to

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me that the work of this remarkable session has not only been done thoroughly but that it has also been done with the utmost dispatch possible in the circumstances or consistent with a full consideration of the exceedingly critical matters dealt with. Best of all, it has left no doubt as to the spirit and determination of the country, but has affirmed them as loyally and as emphatically as our fine soldiers will affirm them on the firing line.

While the course taken by Congress was, doubtless, deserving of this tribute, it would be no exaggeration to say that a ready response to executive guidance was the chief ground of commendation. Cabinet officers framed the bills; Congress accepted them. In caucus the Democrats of the House resolved to consider only measures which were recommended by the President. They gave way to his demand for conscription, although some of their leaders (including the Speaker) bitterly opposed it; they surrendered before his insistence upon a single head for the food administration. The only thing withheld was censorship of the press. It is true that a pacifist element stood out against the declaration of war; but, once the issue had been determined, both parties gave generous support to every measure calculated to make American war plans effective. There were a few obstinate men whose attitude gave color to charges of pro-Germanism; and of these Senator Robert M. La Follette met with the most severe attacks in Congress and in the country. When it became known that the German ambassador had asked for a considerable sum of money "to influence Congress," the attitude of certain public men came under more searching examination. Representative Heflin of Alabama went so far as to say, late in September, that thirteen or fourteen members of the two houses had acted in a suspicious manner.—The **War Revenue** bill, which had passed the House on May 23 (see last RECORD, p. 37), met with long delay in the Senate and in conference. It was signed by the President on October 3. The Senate Finance Committee, seeking, in the words of its chairman, "to provide a superstructure sufficiently strong and flexible to meet not only our present but future needs," proposed to raise $1,400,000,000 from incomes and war profits alone and $200,000,000 from intoxicants. It modified the House bill not only by increasing the levies upon incomes and intoxicants, but by doing away with the proposed increases in tariff rates and inheritance taxes as well as the retroactive tax on 1916 incomes. It also gave a new character to the excess-profits tax by adopting graduated rates and fixing the normal profits on the basis of earnings in the three years which preceded the outbreak of the war. Senator Penrose, ranking Republican member of the committee, gave the bill unqualified support, describing it as the greatest revenue measure prepared by an American Congress. Opposition came mainly from a group of radical Republicans who wished to rely more upon

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revenue and less upon loans for the conduct of the war and who advocated the "conscription of wealth" by means of heavier taxes on incomes and profits. The vote on final passage was 69 to 4 (Borah, Gronna, La Follette, Norris). The conference committee, after sitting for three weeks, accepted in most cases the changes made by the Senate. The act provides for an increased income tax (the rates being increased and the exemption lowered); an excess profits tax of twenty to sixty per cent, normal profits being represented by the average for the years 1911-1913; increased taxes on intoxicants and tobacco; taxes upon transportation, amusements, automobiles etc.; stamp taxes on bonds, deeds, parcel-post packages etc.; increased taxes on the transfer of estates; and an increase in postal rates which applies to both first-class and second-class matter.—An act of October 1 created an aircraft board of nine members for the purpose of expanding and co-ordinating industrial activities relative to aircraft and of facilitating generally the development of the air service.—The **Military and Naval Insurance** act of October 6 appropriated $176,250,000 and provided for: (1) governmental family allowances and compulsory allotment of pay for the support of dependents; (2) compensation for death or disability due to injury or disease resulting from service; and (3) additional insurance at low cost.—The **Trading with the Enemy** act prohibits commercial intercourse with an enemy or the ally of an enemy; authorizes the President to establish a censorship of messages passing between the United States and any foreign country; authorizes him to place an embargo on imports from any foreign country; and provides for the creation of a custodian of alien property.—The first regular session of the Sixty-fifth Congress opened on December 3. Four days later, acting upon the recommendation which President Wilson had made in his annual message, the houses adopted a resolution declaring the existence of a state of war with Austria-Hungary (see *supra*, the United States and the War). Only one vote, that of a Socialist representative, was cast against the resolution.—No feature of the session aroused more widespread interest than the critical attitude shown toward the administration in the matter of war preparations. Senator Wadsworth declared that "not one army cantonment is adequately equipped with ordnance. . . . I talked with men whose machine-gun battalions had never seen a machine gun. . . . In the matter of clothes, the soldiers are worse off than in equipment." The Committee on Military Affairs, headed by Senator Chamberlain, began on December 12 a protracted investigation of the War Department. The evidence revealed many instances of mismanagement, such as the failure to provide arms, uniforms, blankets, and adequate hospital facilities. Senator Chamberlain, interpreting this evidence, declared in a speech at New York that "the military establishment of the country has broken down and almost stopped func-

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tioning because of inefficiency in every bureau and every department of the government." In a public statement (January 21) the President came to the support of the secretary of war, expressing the highest confidence in him and describing Chamberlain as utterly ignorant of actual conditions. The latter immediately replied with an analysis of the facts which had been brought to the attention of the committee; he declared that, in view of these facts, the President himself seemed to be ignorant of the conditions. Two months later the committee made a brief report on the government's airplane program. According to this report the so-called "Liberty" motor could be used only in heavy planes, and only four motors had so far been shipped abroad; officials were accused of misrepresentation. At the same time Lodge of Massachusetts, supported by Johnson of California and Poindexter of Washington, attacked the record of the administration during the first year of the war. The United States, he said, had no fighting airplanes in France, no guns except old coast-defense guns; in twelve months only two American ships had been completed. "We got the men; we can get more men; but apart from that what have we to show in accomplishment? A wasted year!" Some weeks later a resolution was introduced authorizing the Committee on Military Affairs to investigate the activities of the War Department in relation to aircraft and ordnance production and the quartermaster-general's supplies. President Wilson resolutely opposed this project. Its adoption, he said, would be "a direct vote of want of confidence in the Administration. . . . These are serious times, and it is absolutely necessary that the lines should be clearly drawn between friends and opponents."—The President also opposed a bill (introduced by Senator Chamberlain) which would have created a war cabinet "of three distinguished citizens of demonstrated ability" to formulate policies and to supervise activities of the executive departments. He believed that this proposal, which "came after effective measures of reorganization had been thoughtfully and maturely perfected, . . . would involve long additional delays and turn our experience into mere lost motion."—On February 6 Senator Overman introduced an administration bill which empowered the President "to make such regulations and issue such orders as he may deem necessary" in order to redistribute functions among the departments, bureaus, and other governmental agencies. This substitute for the war cabinet bill recommended itself as more elastic and more capable of adjustment to changing circumstances. The Senate adopted it on April 29 (by a vote of 63 to 13); the House on May 14 (by a vote of 295 to 2).—On December 28, pursuant to a proclamation of the President, the **railroads** of the country passed under government control (see *supra*, the United States and the War). Soon afterwards the President addressed both houses, explaining the purposes of his assumption of control and ask-

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ing for legislation relative to the financial phases of the transfer. The railroad bill, as signed by the President on March 21, provided: that the roads should be restored to their owners twenty-one months after the close of the war, that they should receive a rental based upon the average net incomes for the three years ending June 1917, and that, subject to review by the Interstate Commerce Commission, the President should fix freight and passenger rates. During the debates Democratic senators seemed much divided in opinion. Underwood of Alabama felt alarmed at the large powers given to the President and at the possibility of permanent public ownership. Lewis of Illinois, on the other hand, had no misgiving; he felt that the time had arrived for government ownership not only in this field, but in many others. Four months later, indeed, Congress adopted, at the request of the President, a resolution empowering him to take over the **telephone and telegraph** systems of the country for the period of the war (see *supra*, the United States and the War). In the House the vote was 221 to 4; in the Senate, where the debate grew acrimonious at times, 46 to 16.—The "**Sabotage**" bill, designed "to punish the destruction or injuring of war material and war transportation facilities . . . and to prevent the hostile use of property during time of war," raised an important issue with regard to workers in war industries. The House, by a vote of 255 to 59, adopted an amendment imposing heavy penalties on those who should conspire to obstruct war activities. Apparently this amendment was intended to withhold the right of collective bargaining. Representative Lunn of New York, a former Socialist, brought forward another amendment, apparently in contradiction to the first, which expressly reserved to employes the right "to stop work, or not to enter thereon, with a *bona fide* purpose of securing better wages or conditions of employment." This amendment was carried by a vote of 272 to 38. From the fact that in the first case 114 and in the second case 118 members abstained from voting it was obvious that the question caused a good deal of embarrassment. In the Senate uncompromising opposition to the exemption of strikers was voiced by Thomas (Colorado), Gallinger (New Hampshire), Underwood (Alabama), Calder (New York), and others. Hollis (New Hampshire) took strong ground on the other side. It was finally decided to drop both amendments; the House acquiesced in this course; and President Wilson signed the bill on April 20.—Early in May the **Espionage** Act (see last RECORD, p. 38) was amended so as to impose severe penalties on persons wilfully uttering "disloyal, profane, scurrilous or abusive language about the form of government of the United States, the Constitution, the military or naval forces, the flag or uniform of the United States," or any language intended to bring these into "contempt, scorn, contumely or disrepute." The postmaster-general is empowered to refuse delivery of mail which violates

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the terms of the espionage acts.—An act of April 5 authorizes the government to create a **War Finance Corporation** and through it give assistance to enterprises necessary to the prosecution of the war. The act provided that the corporation should have a maximum life of ten years, that it should have a capital stock of $500,000,000 and power to issue $3,000,000,000 in bonds, and that the directorate should include the secretary of the treasury and four others named by the President. In laying this measure before Congress the administration was influenced by the fact that, with the floating of liberty loans, many firms which produced war materials found it impossible to raise working capital in competition with the government.—President Wilson exercised his **veto power** in the case of three bills: the post-office appropriation bill, which, against the settled view of the executive, provided for the continued use of pneumatic mail tubes in the large cities; the legislative, executive, and judicial appropriation bill, which required government employes to work eight, instead of seven, hours a day; and the agricultural appropriation bill, which fixed the price of wheat at $2.40 a bushel as against the price of $2.20 fixed by the food administration. In all three cases Congress reconsidered its action and sustained the president's veto.—On December 18 Congress adopted a resolution calling for nation-wide prohibition by constitutional amendment (see *infra*, Prohibition). A resolution providing for a woman suffrage amendment passed the House on January 10 by exactly the two-thirds vote required. The Democrats divided almost evenly; the Republicans were overwhelmingly in favor of the amendment. In the Senate, notwithstanding the pressure brought to bear by suffragists, the resolution seemed to lack several votes of the necessary two-thirds. At the close of July the Committee on Woman Suffrage showed no intention of reporting the resolution.—The Webb bill, which gives American exporters the right to combine for the purposes of foreign trade (see last RECORD, p. 32), was at last adopted by the Senate on December 12.—On June 6, in a letter to Chairman Kitchin, of the Ways and Means Committee, the secretary of the treasury estimated the expenditures for the fiscal year ending June 30, 1919, at $24,000,000,000. He advised meeting two-thirds of this outlay by bonds and the rest by taxation; and he recommended, among other things, that a war-profits tax at a very high rate should be superimposed upon the existing excess-profits tax and that there should be substantial taxes laid upon luxuries. Yielding to the judgment of the administration, the committee soon began the work of framing a new revenue bill for passage before adjournment. Before the end of July it had tentatively decided to increase estate taxes (by fifty per cent), excise taxes (by as much as three hundred per cent in some cases), and income taxes, and to raise a billion dollars by levies upon luxuries (such as automobiles, sporting goods, cameras). Meanwhile, on July 13, Congress

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virtually took a recess till August 19, suspending important legislation and meeting only on Mondays and Thursdays. Under this arrangement the Senate postponed action upon the emergency food production bill, which, by virtue of the Gore amendment, would prohibit the sale of intoxicating liquors after the end of the year.

THE FEDERAL JUDICIARY. — Among the important decisions of the Supreme Court were the following: The authority of a state to regulate intrastate rates of interstate carriers may be exercised through commissions; and after a carrier has established commutation rates for suburban communities, the state may, without violating the federal Constitution, regulate such rates and fix rates different from those charged generally (Pennsylvania Railroad Company *v.* Towers, 38 S. C. R. 2). Congress may prevent interstate carriers from discriminating against localities to which they bill traffic, but which are not reached by their own lines (St. Louis Southwestern Railway Company *v.* U. S., 38 S. C. R. 49). A North Carolina statute requiring carriers to keep a record of shipments of intoxicating liquors is valid as applied to interstate commerce in view of the Webb-Kenyon law (Seaboard Air Line Railway *v.* North Carolina, 38 S. C. R. 96). The Interstate Commerce Commission has power to deal with discrimination in rates arising out of a disparity between interstate and intrastate rates and to require the removal of such discrimination by increasing intrastate rates (Illinois Central Railway Company *v.* Public Utilities Commission of Illinois, 38 S. C. R. 170). A corporate excise tax of Massachusetts laid upon foreign corporations maintaining only a local selling office from which orders are solicited subject to the approval of the home office violates the commerce clause by laying a burden on interstate commerce (Cheney Brothers *v.* Massachusetts, 38 S. C. R., 295). A state may tax property within its borders even if used in interstate commerce (Cudahy Packing Company *v.* Minnesota, 38 S. C. R. 373). The act of 1906 prohibiting the shipment of misbranded food products is a legitimate exercise of the power to regulate commerce (Weeks *v.* U. S., 38 S. C. R. 219). A tax levied in Pennsylvania upon dealers in merchandise is an "impost" upon exports so far as it is measured by receipts from merchandise shipped to foreign countries (Crew Lenick Company *v.* Pennsylvania, 38 S. C. R. 126). The union in one corporation of a number of others, each of which had been engaged in the manufacture of patented non-competing machines which were used successively in manufacturing processes, is not a combination in restraint of trade (U. S. *v.* United Shoe Machinery Company, 38 S. C. R. 473). The act of 1916 prohibiting the interstate shipment of the products of mines and factories where children are employed is not a legitimate exercise of the commerce power; it cannot be sustained on the theory that Congress has power so to control the shipment of child-made goods because of the effect of such

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goods in states where the evil of child labor has been recognized by local legislation (Hammer *v.* Dagenhart, 38 S. C. R. 529). A municipal ordinance prohibiting white or colored persons from moving into any block upon which houses occupied by the opposite race predominate takes property without due process of law; colored persons are citizens of the United States and have the right to purchase property and enjoy the use of it without discrimination against them solely on account of color; the police power, though broad, cannot justify a law or ordinance contrary to the federal Constitution (Buchanan *v.* Warley, 38 S. C. R. 16). The right to make non-membership in a union a condition of employment is a constitutional right which cannot be taken away even by legislation unless through some proper exercise of the police power (Hitchman Coal and Coke Company *v.* Mitchell, 38 S. C. R. 65). An Idaho statute which prohibits the possession of whisky for personal use does not abridge the privileges and immunities of citizens or deny due process of law (Crane *v.* Campbell, 38 S. C. R. 98). Under article one, section eight, of the Constitution, Congress has power to raise an army by conscription; and the selective draft law of 1917 does not impose involuntary servitude (Arver *v.* U. S., 38 S. C. R. 159). A statute of Wisconsin which discriminates between foreign and domestic insurance companies does not deny equal protection of the laws, as the basis of classification is warranted (Northwestern Mutual Life Insurance Company *v.* Wisconsin, 38 S. C. R. 444). The purpose of the equal protection clause is to secure every person within a state's jurisdiction against intentional and arbitrary discrimination whether occasioned by the express terms of a statute or by its improper execution through duly accredited agents (Sunday Lake Iron Company *v.* Wakefield Township, 38 S. C. R. 495). The conduct of foreign relations is committed to the executive and legislative departments, and the propriety of their exercise of this political power is not subject to judicial inquiry (Oetjen *v.* Central Leather Company, 38 S. C. R. 309). The recognition of the Carranza government, by the political department of our government, as the *de facto* and, later, as the *de jure* government of Mexico binds the judges as well as all other officers and citizens (Ricaud *v.* American Metal Company, 38 S. C. R. 312).

PROHIBITION.—In large part, no doubt, because of war conditions, prohibition sentiment showed a marked increase through the country. The attitude of Congress reflected it. The Food Control Act of August 10, 1917 (see last RECORD, p. 37) had forbidden the importation of distilled spirits and the use of foodstuffs in their manufacture. The emergency food production bill, still pending in the Senate at the close of this RECORD, prohibits the sale of intoxicating liquors after December 31, 1918. On December 18 Congress adopted a resolution submitting to the states a **constitutional amendment** which, if ratified

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within seven years, would prohibit "the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes," after one year from the ratification of the article. Thirteen states have ratified: Arizona, Delaware, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, Montana, North Dakota, South Carolina, South Dakota, Texas, Virginia. Of these, five are "wet" states: Delaware, Kentucky, Maryland, Massachusetts and Texas. Two wet states refused to ratify: Rhode Island on March 13 by a vote of 20 to 18 in the senate, and Louisiana on May 23 by a tie vote in the senate. New Jersey and New York postponed action, the New York assembly adopting the amendment subject to a popular referendum. — There are now 27 "dry" states, or eight more than at the close of the last RECORD (p. 40); these eight are Indiana, Michigan, Montana, Nebraska, New Hampshire, New Mexico, South Dakota, Utah. On November 6 Ohio rejected state-wide prohibition by a vote of 522,430 to 524,153. In January a local-option bill was passed by the New Jersey legislature. In March the Texas legislature, in special session, adopted state-wide prohibition as a war measure. — Under the local-option law, and with women voting, twenty New York cities went "dry," these having an aggregate population of 375,000 and including Binghamton, Elmira, and Jamestown. Eighteen other cities remained "wet."

STATE AFFAIRS. — No definite political trend could be observed in the **elections** held on November 6. While the Democrats, by large majorities, elected their entire ticket in New York city, the Republicans maintained control of the assembly. In New Jersey a Republican senate and assembly were chosen; in Connecticut, Massachusetts, and Pennsylvania Republican Congressmen; and Samuel McCall defeated the Democratic candidate for governor of Massachusetts, his opponent in 1916, by an increased plurality. An examination of the returns from various parts of the country indicated no general gain or loss for either of the major parties. The Non-Partisan League, an agrarian party lately organized in the Middle West, gave evidence of continued vitality when, on June 26, Governor Frazier, the candidate of the League, was renominated in the Republican primaries for the office of governor of North Dakota. — New York, which rejected **woman suffrage** two years before, adopted it on November 6 by a vote of 646,500 to 555,000. Before the election President Wilson had written to the leaders of the Woman Suffrage party to express his warm approval of the movement. Maine rejected woman suffrage on September 10 by a vote of almost two to one; Ohio, on November 6, by 136,000. In May the Texas legislature extended to women the right to participate in the primaries of the Democratic party. On October 26 the supreme court of Indiana held that a statute conferring the

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presidential suffrage on women violated the constitution, in which voters are defined as "male citizens." Dissatisfaction with the workings of the direct primary manifested itself among conservative party leaders in New York; this found expression in hearings before a committee of the state senate and in the assembling of informal conventions for both the Republican and the Democratic party in July.—On August 23, as the result of a race riot at Houston, Texas, involving negro soldiers of the twenty-fourth infantry, seventeen persons were killed. Thirteen soldiers, convicted by court-martial, were hanged four months later. Three negro soldiers, found guilty of assaulting and outraging a young white girl at Camp Dodge, Iowa, were hanged on July 5. Numerous **lynchings** occurred in the South; at Memphis, in October, the mob burned a negro at the stake. In northern states a growing indignation against the free utterances of alien enemies and German sympathizers led to a number of lawless outbreaks and, in one case, to the taking of life. On July 26, in a statement addressed to the public, President Wilson severely condemned "the mob spirit which has recently here and there very frequently shown its head among us, not in any single region, but in many and widely separated parts of the country. There have been many lynchings, and every one of them has been a blow at the heart of ordered law and humane justice. . . . How shall we commend democracy to the acceptance of other peoples if we disgrace our own by proving that it is, after all, no protection to the weak?" Next day a negro was hanged at Ben Hur, Texas.—On December 25 George P. Hunt, Democrat, assumed office as governor of Arizona, the supreme court of the state, after a review of the 1916 election returns, having unseated the Republican candidate.—In September Indiana adopted a statute under which county contracts for public works must be approved by the state administration before being awarded. In Minnesota, under a rule of the state board of health, plans for improvement in local water, sewage, and refuse-disposal plants must be approved by the board. A New Jersey statute of 1918 requires those in charge of water purification and sewage treatment to be licensed by the state Board of Health.—On August 24 the Texas house of representatives presented to the senate articles of impeachment charging Governor James E. Ferguson with misappropriation of state funds. A month later the senate, sustaining these charges, removed the governor from office.—In March the Wisconsin legislature adopted a resolution condemning Senator Robert M. La Follette because of his attitude toward the war.

MUNICIPAL AFFAIRS.—On November 5 the United States Supreme Court held a segregation ordinance of Louisville, Kentucky, unconstitutional. This ordinance forbade persons of either the white or the black race from moving into residence blocks in which a majority of the inhabitants were of the opposite color (see *supra*, the

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Federal Judiciary).—In the autumn, as the result of a letter addressed by the secretary of war to mayors and sheriffs, a vigorous crusade against various forms of vice was undertaken in the neighborhood of army camps. This movement spread to other cities without the exertion of pressure by the federal authorities. In December the supreme court of Texas held invalid a Houston ordinance providing for the segregation of prostitutes. The governor of North Dakota removed the president of the Minot City Commission for conniving at disorderly conditions. In January the police chief of San Antonio, who had been suspended for alleged failure to enforce the laws against vice, was exonerated and restored to office.—In the municipal **elections** of November 6 nothing attracted such widespread attention as the sweeping victory of Tammany in New York. Tammany secured the office of mayor, every seat on the Board of Estimate, and a safe majority of the Board of Aldermen. John F. Hylan, the candidate for mayor, received almost twice as many votes as Mayor Mitchel who, defeated in the Republican primaries, sought re-election on an independent ticket. The Socialist candidate, Hillquit, who was accused of having pacifist and pro-German inclinations, ran very close to Mitchel and polled 140,000 votes, nearly five times the vote his party received in the preceding election. The Socialists, though beaten in Dayton, developed great strength; but in Chicago they were unable to make headway against the Fusion judicial ticket. The Republican machine in Philadelphia managed to defeat the "Town Meeting" party in spite of the fact that accusations of conspiracy to murder rested upon some of the Republican bosses and that many regular Republicans, including Senator Penrose, gave their support to the reformers. Manchester, New Hampshire, chose a Democratic administration for the first time in forty years. In Louisville, where the Democrats had been in control for the past decade, a Republican mayor was elected.—Among the cities adopting the commission plan of city government were: Albuquerque, Newark, East St. Louis (Illinois), Rahway (New Jersey), and Roanoke. On the other hand, Lynn (Massachusetts), after seven years' experience with the plan, and Appleton and Portage (Wisconsin), after six years' experience, abandoned it.—In January a former chief of police in Chicago, being tried on charges of extortion and conspiracy, was found not guilty.—On August 9 the Indianapolis chief of police, S. V. Perrott, was sentenced to four years imprisonment and a fine of $1,000 for committing election frauds in 1914 (see last RECORD, p. 41). A former city official and four policemen received lighter sentences.—In August Hugh McIndoe, mayor of Joplin, Missouri, was recalled from office because of lax enforcement of the law.—In September the aqueduct connecting New York reservoirs with a watershed in the Catskills was completed. The new system of subways, greatly extending the city's transportation facilities north and south,

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was opened to traffic in July. In January the minimum wage of city employes was increased to $3. After holding office for a few weeks, Police Commissioner F. H. Bugher resigned; his public explanation included sharp criticism of Mayor Hylan for improper interference in the police department. The mayor thereupon appointed as commissioner a lieutenant in the uniformed force, R. E. Enright.—In December a recall election in Oakland, California, resulted favorably to Mayor J. L. Davie.—In September Mayor T. B. Smith of Philadelphia and certain other persons were charged with conspiracy in connection with the killing of a special policeman and assault on an assistant district attorney who was a candidate for ward leadership in the Republican primaries. New York gunmen, after their arrest, declared that they had been brought to Philadelphia to take part in rioting and that the police had promised them immunity. Failure to enforce regulations with respect to disorderly houses and the sale of liquor brought the Philadelphia police under federal control.—Two members of the Youngstown city council were removed from office and sentenced to imprisonment for an indeterminate period of one to ten years for accepting bribes. — In the spring, direct primaries were abolished in San Francisco; there is now a free system of nomination with preferential voting in the election. District Attorney Fickert, who had incurred the resentment of the radical element because of his prosecution of dynamiters, was successful in a recall election.

CAPITAL AND LABOR. — The American Federation of Labor, holding its convention at Buffalo in November, gave unmistakable evidence of its intention to support the administration in carrying the war to a successful end. President Wilson addressed the delegates on November 12; he pleaded for co-operation with other groups and classes in the effort to release the spirit of the world from bondage. A resolution to approve the action of Samuel Gompers in organizing the American Alliance for Labor and Democracy fairly tested the attitude of the delegates. The resolution was carried by a vote of 21,579 to 402. The **Socialist party**, on the other hand, formally adopted a pacifist attitude; some of its leaders expressed pro-German opinions; and on February 2 five leaders of the party (including Victor Berger and Adolph Germer) were indicted at Chicago for encouraging disloyalty and interfering with the prosecution of the war. Meanwhile several prominent members of the party (John Spargo, William English Walling, and others) seceded and, effecting a union with various radical and progressive groups, formed the new **National Party.** They held a convention in Chicago on March 8. The platform then adopted endorsed prohibition, woman suffrage, government ownership of public utilities and industries dependent on public franchises or requiring large-scale non-competitive operation, and various radical doctrines. Neither the Prohibition party nor the Non-Partisan League would

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consent to merge its identity in the new party. The **Industrial Workers of the World** carried on an active propaganda against the war. At Spokane, on August 19, their local leaders were arrested on the charge of ordering strikes in the lumber and fruit industries and preaching sedition; next month agents of the Department of Justice raided I. W. W. offices in various parts of the country; and in May 112 persons were brought to trial at Chicago charged with conspiracy to impede the prosecution of the war.—In view of the serious labor disturbances in the western part of the country, President Wilson appointed, in September, a commission to investigate the facts and find some way of adjustment. The commission achieved a notable success, settling a strike of 5,000 miners in the Globe-Miami copper region of Arizona. In Seattle 12,000 men employed in shipyards agreed to resume work and await settlement of their demands by federal agencies. In Portland, Oregon, the unions took similar action. In its report to the President the commission recommended, among other things, the elimination of all profiteering "to the utmost practicable extent during the war," some form of collective relationship between management and men in big industries, and the eight-hour day. — On February 19 the secretary of labor announced the names of representatives of capital and labor who would seek to establish a basis for the adjustment of disputes during the period of the war. This body began a series of conferences at Washington on February 25, and a month later recommended that there should be no strikes or lockouts during the war and that a mediation board should be created. On April 9, therefore, President Wilson created a War Labor Board.—Shipyards on both the Atlantic and Pacific coasts were affected by serious strikes. In the Pacific yards 50,000 men went out during September, demanding large increases in pay. After the settlement of this dispute, ship carpenters in Atlantic yards struck for higher wages and the closed shop; they also asked the government to take over the yards. On February 17 President Wilson sent a sharp rebuke to the strikers. "No body of men," he said, "have the moral right in the present circumstances of the nation to strike until every method of adjustment has been tried to the limit." The effect of this message was immediate. The men returned to work next day, leaving the matters in dispute to be adjusted by arbitration.—A strike of 6,500 longshoremen threatened to tie up shipping in New York harbor; on September 20, after being out only four days, the men accepted arbitration.—In November the four railroad brotherhoods began to formulate demands for increased wages. On January 18 the government, having taken over the control and operation of the railroads, appointed a wage commission to supervise the whole field of railway labor. This commission, with Secretary Lane as chairman, heard the demands of the men on January 29. These demands averaged nearly forty per cent

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over the existing scale and aggregated little short of half a billion for the year. On May 26, acting on the report of the commission, the director-general of railroads granted wage increases aggregating $300,000,000 a year. At the same time he ordered an increase in passenger and freight rates to meet the new burden laid upon the roads.— During the late summer and autumn the employes of street railways struck in Seattle, Kansas City, San Francisco, Minneapolis, Akron, and smaller places. In Kansas City two sergeants and forty-one patrolmen were dismissed from the police force because of failure to protect strike-breakers. — Successful strikes occurred among municipal employes in a number of cities. In South Bethlehem the police, in Scranton the street workers, in Schenectady and Walla Walla the firemen obtained higher pay.—On July 15, 10,000 men employed by the General Electric Company at Lynn struck to obtain higher wages and improved working conditions.—On July 5, after being out for five days, 3,000 operatives in the cotton mills of Lowell received a five per cent increase of wages and returned to work. Strikes in the cotton mills of Manchester and in the Blackstone Valley of Rhode Island occurred at the same time.—More than 10,000 machinists, employed in Newark and its vicinity, left work on July 17 demanding an eight-hour day, an increase of fifteen cents an hour, and time and a half for overtime.— At the end of July some 31,000 workers in the industrial centers of Massachusetts and Rhode Island had left employment in munition plants. They demanded higher wages, improved working conditions, and recognition of the union.

IV. THE BRITISH EMPIRE.

THE UNITED KINGDOM. — Not only the enfranchisement of women and the projected electoral reforms are contributing to what is practically a **political revolution** in England. There figures largely and powerfully in the changes in process a revitalized and far-seeing Labor party. Getting definition from its program instead of from a particular social class represented by its membership, it reacted from the beginning very vigorously to the Russian Revolution.—Its August debate on the question of sending delegates to an International Socialist Conference resulted in the **resignation of Arthur Henderson,** its secretary, from the Lloyd George War Cabinet. Henderson had just returned from Russia. The situation there, he declared, required the conference, as the Russians did not understand the point of view of British labor and a point-blank refusal would do great harm among them. The resolution favoring participation in the conference was carried by an immense majority. Being contrary to the declared policy of the government, it necessitated Henderson's resignation. Lloyd George accused him of bad faith, claiming that he had led the cabinet to believe that he would oppose sending delegates and had

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suppressed a communication from the Russian government which declared the conference to be inadvisable, although only "a party concern, and in no wise binding on the liberty of action of the government." Henderson put in a complete denial. But the government announced that it would prohibit participation by the British; and the American, French and Italian governments took similar action with regard to their own nationals. Adamson replaced Henderson in Parliament as head of the Labor group, but the party coalition was in fact broken. Labor, from the time of the August conference on, went its own way and made its own program.—The adoption of the **electoral reform bill** (December 8) meant the practically immediate addition of hundreds of thousands of women to the electoral body, and later of similar numbers of men (see last RECORD, p. 55). Anybody who subscribed to the Labor party's platform might become a member, and its enrolment soon counted millions. Meantime in labor circles one conference followed another, of trades unions and other groups, to discuss either the labor question at home, international relations, or reconstruction after the war.—On December 28 took place the opening of the Workmen's Conference to formulate an understanding on war issues among the Allied Socialist and Labor groups, the propositions agreed upon to be urged upon the Allied governments. Toward the end of January a committee of the Labor party, then in conference, drew up a statement declaring for the principles of "no annexations, no indemnities" and "the self-determination of peoples," and urged international control and management of the African colonies and self-determination for India and the nationalities of the Near and Middle East. An appeal was addressed to the Teutonic peoples "to declare themselves or make their governments speak for them in answer to Russia and ourselves." This memorandum was the basis of the one issued by the **Inter-Allied Socialist and Labor Conference** which met in London, February 21-23. The memoranda had their effect, observable in the progressive approach to their position in Lloyd George's speeches on kindred subjects. The approach, however, did not relieve the strain in the relations between the party and the government. On June 26 the annual conference voted two to one to abandon the party truce and thereafter to contest seats at by-elections. Kerensky made a dramatic appearance at this conference. He declared that Russia wanted no interference in her internal affairs.—Far more critical than the government's relation to labor was its relation to **Ireland.** The Lloyd George plan of a constitutional convention of representatives of all Irish parties seemed to work not badly (see last RECORD, p. 56). The Sinn Fein, however, would have none of the convention over which Sir Horace Plunkett presided, and at a convention of their own, held in Dublin, adopted (October 26) a constitution for an Irish Republic, as an independent state, having international recognition. The con-

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vention declared that "any and every means" should be used to expel the British from Ireland. As the time approached for the report of the constitutional convention, which was sitting behind closed doors, their demonstrations became more active. On March 6 six hundred Sinn Feiners were seized in Kiltomagh in County Mayo; on March 7 their own particular food controller was arrested and public demonstrations were prohibited in Dublin by the military. — The cause of Irish harmony in Ireland and in the United Kingdom received a very severe blow five days later, in the death of the nationalist leader, John Redmond, his successor, **Dr. John Dillon,** elected in Dublin March 30, being far less conciliatory. — On April 12 the Irish convention offered a majority report, which tried to reconcile the conflicting interests of the various Irish parties. This provided for home rule under a parliament of two houses, a senate and chamber, with particular privileges of representation for Ulster. There were also two minority reports, one representing the opinion of the irreconcilable Unionists and the other of the irreconcilable Nationalists.—Meantime the German offensive had created a crisis in the need for man-power and had led to Lloyd George's proposals to raise the draft age to fifty and to provide Ireland with **home rule** and **conscription** at the same time. The measure met with general opposition, particularly among Liberals. Asquith called it impractical and ill-timed, and the Liberal press denounced it. As for the Nationalists, they broke into a storm. Cardinal Logue, the Irish primate, called it the "gravest blunder." Nevertheless, the conscription measure was passed, April 12, by a majority of 165, while action on home rule was deferred. All Ireland united at once to resist conscription, those most active in inciting resistance being, as in Canada, the churchmen. Excitement reached a danger point very speedily. Military authorities took control of Irish communications, and arms and munitions were confiscated. The situation gave the Unionists who had conceded home rule (Sir Edward Carson had declared he would support even a Sinn Fein government in Ireland in the emergency) occasion to stiffen against it once more.— Then a political bomb was exploded with the arrest (May 17) of 500 persons, among them Sinn Fein leaders and members of Parliament, on the charge of holding treasonable communication with the enemy. From then on Ireland was comparatively quiet. — The day before, forty-five members of the Irish party had made an appeal to America, challenging the sincerity of the British government, and a little later John Dillon appealed particularly to the Irish people in the United States to support his party, as against the Sinn Fein and others, because this party was "fighting for Irish liberty without betraying the cause of liberty in other lands." A conference held at the Mansion House, Dublin, entrusted the lord mayor of that city with a document to President Wilson, but he could get no passports without submitting

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his documents for inspection, and that he refused to do. Somewhere a proposal appeared to refer the Irish question at once to an international tribunal consisting of the United States, Holland and Switzerland, and everywhere collections were made for an anti-conscription fund. By the beginning of June the fund had grown to nearly a million pounds.—Meantime Mr. Lloyd George and his cabinet were preparing to reverse their declared policy. First it was announced that conscription would not be pressed, the Home Rule bill not being ready, and not likely to be for several weeks. Then Lord French, the new lord lieutenant of Ireland, asked for 50,000 volunteers by October 1, and after that two or three thousand recruits monthly to maintain the full Irish quota. Nevertheless, the Anti-Conscription Conference, in which all Irish parties were represented, gave warning that the plan to conscript had not been surrendered and urged a united front against it.—On June 20, however, Lord Curzon announced that the May discovery of the Sinn Fein plot and the activity of the Catholic clergy against conscription had altered the government policy; there were other circumstances also. On June 25 Lloyd George made public the substitution of volunteering for conscription. Replying, Dr. John Dillon declared that the Nationalists would give no aid to the Irish recruiting committee until home rule had been granted. On June 28 the British Labor Conference passed a resolution calling on the Dominion statesmen then in London to insist on a settlement of the Irish question by a large measure of home rule. A few days before, Arthur Griffith, jailed leader of the Sinn Fein, was elected to the House of Commons over a Nationalist opponent by a majority of 1,212.—Another issue that seemed likely to upset the Lloyd George cabinet was that of **military control.** Lloyd George had advocated from the beginning the unification of plan and operation at the front which America also had insisted on. The result of this advocacy had been the Inter-Allied War Council, but in Great Britain a strong distrust of the council and its function was expressed on the score that military operations might be made subject to political interference. As the quarrel grew, the imperial general staff came in for its share of vituperation. Attacks on its chief, Sir William Robertson, grew in number, the Northcliffe press being the most active. It charged that the military organization was governed by considerations of caste and ignored civilians. A resolution criticizing the action of the Inter-Allied Council at Versailles seems to have been a part of the military counter. Lloyd George defended the program of unification, which, he said, "was due largely to the strong, logical representations which the American delegates had submitted." The House of Commons rejected the resolution 159 to 28. In February Sir William Robertson resigned as chief of staff and was succeeded by Sir Henry Wilson.—The military crisis in March brought to completion the unification of

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at least front and command, with the designation of General Ferdinand Foch as **generalissimo** of all the Allied forces. By the middle of May, when it had become possible to look back somewhat on the disasters of the preceding two months and to consider their causes, Major General F. B. Maurice, of the imperial staff, thought it his duty to publish an open letter charging Lloyd George and Bonar Law with misstating the number of British soldiers on the various fronts and in the line. The *morale* of the army, he declared, was being undermined by distrust of the government. Mr. Asquith immediately moved an investigation, but the prime minister's reply showed that the source of his figures was Maurice's own official records, and that Maurice, in charging discrepancies, had ignored the non-combatants on the field. The prime minister was upheld by a vote of 293 to 106.—Other notable matters have been the satisfactory progress of the Whitley plan of industrial councils; the declaration, made November 6, and since officially endorsed by France and Italy, in favor of the establishment of a Jewish homeland in Palestine; the adoption of food cards for use after February 25; the mission of the chief justice, Lord Reading, as ambassador plenipotentiary to the United States; the resignations of Rothermere, Daly and Rhondda from the ministry, and the death of the last-named.

CANADA.—The **Compulsory Military Service** Act (see last RECORD, p. 58), its consequences and implications, preoccupied Canada during most of the period covered. Passed by the Canadian legislature, it was challenged in the courts, but became law on September 29, when the Canadian supreme court upheld it. Under the provisions of the act, Canada is to raise 100,000 men. All men between the ages of twenty and forty-five are liable to service, but unmarried men between the ages of twenty and thirty-five are to be called first. Once the supreme court had sanctioned the act it received the unwavering support of Sir Wilfrid Laurier, the Liberal leader, who had opposed it while it was in process.—The suspension of party conflict seems to have been at last attained in Canada. After Premier Borden's initiative had failed to bring about a coalition cabinet, the Liberals, at their western convention, proposed a Union government, but not under Borden. They finally agreed to accept him, and a government was formed with representatives in equal number from both parties, Laurier consenting to count as one until the elections were over. Only the province of Quebec was unrepresented; its public men refused to co-operate.—The December elections were held under the War Time Election Act. This act disfranchised "conscientious objectors" like the Mennonites and Doukhobars, and all immigrants from enemy countries less than fifteen years in Canada. It gave the ballot to the widows, wives, mothers and sisters of soldiers. Conscription was up in the election. It won everywhere except in Quebec, where on December 21 a pro-

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posal was moved by I. N. Francoeur, a delegate to the Quebec provincial legislature, that the province secede from the Dominion. The election, not counting the soldier vote, gave the Unionists a majority of seventy. Sir Wilfrid Laurier was defeated in Ottawa but returned by Quebec with 6,000 votes to spare.—The enforcement of conscription was resisted in Quebec, where riots occurred. The government's use of force helped little, as its decision to make rioters subject to immediate draft. Quiet was restored only when the Nationalist leader, Armand Lavergne, gave assurance of the removal of troops and the proper application of the conscription act. General Sir Sam Hughes placed the responsibility for resistance to the draft upon expatriated ecclesiastics from France, working in collusion with German agents in the United States.—It was decided that Canadians should not receive hereditary titles and that others should be bestowed only on the advice of the Canadian prime minister.

INDIA.—The issue in India between the Nationalists and the government has finally, in so far as the purposes of the Nationalists are not revolutionary, crystallized into the issue between immediate **home rule** and progressive devolution to home rule. What stands in the way of immediate home rule is the complexity and illiteracy of the great Indian masses, the sharp religious opposition between Moslems and Hindi, and the caste system. — When, after his appointment as secretary for India, **Edwin S. Montagu** went there to see for himself, he received memorials both for and against home rule. The peculiar social-religious position of the Brahmin caste would, according to members of the other castes, make of home rule, Brahmin rule. Large numbers of the Moslems and landlords seem also to prefer British rule to home rule. The Nationalists are organized as a political party and their growth in importance is marked by the fact that their leaders were invited to the conference of native princes held in Delhi in October. The Nationalist Congress, in conjunction with the All-Indian Moslem League, wants Dominion home rule in ten years. The secretary, on his return to England in July, presented a report proposing to increase the responsibility of the provincial legislatures, which are chosen directly by the people, to establish a two-chamber vice-regal legislature, a privy council and a council of princes, and to increase the army. This is limited home rule. — Plans are being devised for the promotion and growth of Indian industries. An Industrial Commission has been created, under the chairmanship of Sir Thomas Holland, to make a survey and to organize special war industries.

OTHER BRITISH POSSESSIONS. — In the opinion of Prime Minister Hughes, of **Australia,** the series of great strikes which swept over that continent from May to October, 1917, was due to a desire for revenge on the part of the Laborites (the premier is himself a

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Laborite) for their complete defeat in the May elections. The strikes began in Sydney over the card system of recording the standing of men introduced by the railroad commission. Sympathetic strikes followed in various provinces, and it seemed for a time as if the war as well as the normal activities of the Australian people would be seriously hampered. By the end of October, however, all the strikes were over and the card system was not abolished.—In **South Africa** the Nationalist party has now declared boldly for complete South African independence (see last RECORD, p. 60). Its slogan is "South Africa first," and it opposed the government expedition against the German colonies to the point of civil war, which Botha swiftly quenched. Although it disavows active propaganda during the war, it holds frequent conferences and passes resolutions for the independence of South Africa.—**New Zealanders** have shown anxiety over the attitude and program of the British Labor party with respect to the German colonies of the Pacific. These the New Zealanders want as insurance for their military safety.

V. CONTINENTAL EUROPE

FRANCE. — The publication of the letter of M. Tardieu, French high commissioner, to Secretary of War Baker gave some **statistics** of the strength and growth of the French forces. There were, it appeared 3,000,000 men in the French army alone, an increase of 1,000,000 since the beginning of the war. Of a line 739 kilometers long, the French were holding 574, the British 138, the Belgians 27. The number of heavy guns had been increased from 500 to 6,000, that is, one gun for every 26 meters of lines. The other branches had been increased proportionately. In addition, France had re-equipped and armed the Belgian, Serbian and Greek armies. Her total **expenditures** amounted to 82,647,000,000 francs, of which 4,000,000,000 had been loaned to Allied powers. — On September 6, Louis J. Malvy, Radical Socialist and minister of the interior, tendered his resignation to Premier Ribot, and M. Leymarie, head of the secret service, gave up his post. The reason was a series of disclosures of alleged treacherous activities on the part of Miguel Almereyda, editor of the *Bonnet Rouge*, and some of the directors of the paper. The event brought on a **ministerial crisis.** Ribot tried to hold on, but the Socialists would not be reconciled, and the minister and his cabinet had to go. Paul Painlevé, minister of war in the retiring cabinet, was called by President Poincaré to form a new one. Because he assigned to ex-Premier Ribot the portfolio of foreign affairs, the Socialists refused to co-operate with the new government. The refusal necessitated the resignation of M. Albert Thomas from the ministry of munitions. M. Malvy sought vindication in the Chamber of Deputies, but the debate ended with the usual vote of confidence in the administration.—The episode was, how-

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ever, far from closed. Documents obtained by the American secret service revealed the fact that in the spring of 1916 Bernstorff, then still ambassador to the United States, had induced the German foreign secretary, von Jagow, to provide $1,700,000 for the purpose of debauching the French press. Papers mentioned were the Paris *Journal*, the *Bonnet Rouge*, and trade and provincial journals. The intermediary in France seemed to be **Bolo Pasha,** a Levantine adventurer, and editor of the *Journal.* He was accused of high treason for peace propaganda of a nefarious sort, tried by court-martial and condemned to death. He was executed April 17. — The evidence in the case implicated an ex-premier of France, **Joseph Caillaux,** member of the Chamber and high in the ranks of the Socialists. Against this statesman charges had already been made on the basis of intercepted telegrams from Bernstorff submitted by the American State Department, involving Caillaux in treasonable conspiracy to hasten peace. Meetings were said to have occurred between German emissaries and him when he had been in Argentine, in 1915, and he was accused of having gone to Switzerland for the same purpose. On December 11 the military governor of Paris, General Dubail, asked for the withdrawal of parliamentary immunity in order to proceed against Deputies Caillaux and Loustalot, and eleven days later Caillaux, having declared that he interposed no objection for himself, withdrawal was voted. He was placed under arrest, and his trial is pending. Opinion in France is very sharply divided regarding his guilt. To some the prosecution is altogether political, and Caillaux is another Dreyfus. —Meanwhile, on M. Malvy's insistence, a committee of thirty-three had been designated in the Chamber to examine the charges against him. The committee reported (November 28) that he was guilty on six of the counts. The report being accepted, 512 to 2, the case was remanded to a high court to be organized at the instance of the Chamber. The court is now sitting (July 24), and the committee's report has been published. It withdraws the charge of treason and substitutes that of negligence of duty, negligence consisting mostly in failing to interfere with persons exercising their constitutional rights of speech and press. M. Malvy's defense is complete, thus far. He even produced a letter from General Nivelle, thanking him for his assistance during the offensive of 1917. This letter made a deep impression.—The situation had threatened the life of the Painlevé ministry from its very start. On October 24 it survived a crisis, but had to replace Ribot with Barthou as foreign minister, and little more than a fortnight later the withdrawal of Socialist support, after a debate on these war scandals, compelled M. Painlevé to resign. His successor was **M. Clemenceau.** Taking the portfolio of the war ministry himself, he made M. Nail minister of justice, M. Pichon of foreign affairs, M. Klotz of finance, M. Laffere of public instruction, M. Loucheur

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of munitions, G. Leygues of marine, M. Pams of the interior, M. Clementel of commerce, and M. Colliard of labor.—The affairs of the government were complicated largely by the problems of co-ordination facing the Entente and America. At the conference of these powers which met in Paris on November 29, M. Pichon, the foreign minister, outlined the questions to be examined, and the conference was divided into sections on finance, imports and transportation, armament, munitions, aviation, food and blockade. Each was presided over by the French minister whose department corresponded to the subject under consideration.—In December the government created a special department for American affairs, with M. Jules Cambon, sometime ambassador to the United States, as director. Its chief bureau is a central office of order and purchase.—January and February were marked by the development of the **war scandals**, and in March everything was dropped to meet the German drive, with its long-distance bombardment of Paris and the killing of women and children in churches. Five days before the beginning of the fourth German drive, toward Compiègne, an interpellation was made in the Chamber on the military situation. Clemenceau refused to discuss it, and refused to fix a date when he would do so. Confidence was voted him, 377 to 110.

RUSSIA.—Dictator Kerensky's high purpose "to beat Russia into unity with blood and iron" failed of realization, partly because of the defects of his rather dilatory temperament, partly because the social factors were too numerous and complicated. Monarchist, military, pacifist, liberal and radical parties, all with large followings, debated and fought for control, and underneath there was the basic demand of the people and the soldiery for land and peace.—This demand the group of Maximalists, or **Bolsheviki,** headed by the revolutionist Lenine, voiced and exploited. Their propaganda was carried to the peasants and to the army; it subverted discipline, destroyed order, and undermined authority wherever it was to be found, at a time when these were most needed for the defensive and recreative labors of the state. In the beginnings of their agitation Kerensky might easily have crushed them. He had restored the death penalty in the army, and had shot deserters. He had the backing of the Executive Committee of the Council of Workmen's and Soldiers' Delegates, which had passed a resolution of censure on Lenine. But he vacillated. He tried to attain by compromise that which could be attained only by force. A cabinet crisis, precipitated by the opposition of the Constitutional Democrats to the policies of his ministers of food and agriculture, and the attitude of the majority toward the independence of Ukraine, led Kerensky and his whole cabinet but one to resign. Called back to office, with the reaffirmed confidence of the Workmen's and Soldiers' Executive Committee, he then formed a coalition cabinet of Socialists and Cadets or Constitutional Democrats.—Relations with

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the Allies were not of the best. Their ambassadors either misunderstood or doubted the character, the temper and wishes of the Russian people. The promise of peace which was held out by the proposed conference of Socialists at Stockholm appealed both to the people and to the government. "I had," said Kerensky in an interview, "insisted again and again that any opposition offered to it by the Allied governments is simply playing into German hands." It was, at least, playing into Bolshevik hands. The latter, capitalized to the utmost the Allies' refusal to permit their Socialists to participate. — At the new Russian **National Council,** held in Moscow, Kerensky had occasion to warn the counter-revolutionists yet again, to warn Finland, and to warn the country of the danger of demoralization, but the demoralization came apace. One group of monarchists planned a *coup d'état* by arresting the provisional government, but were discovered, among them Grand Duke Michael Alexandrovitch and Grand Duke Paul.—A little later, **General Kornilov,** commander-in-chief of the Russian army, demanded from Kerensky the surrender to him of all civil and military powers. On the arrest of his envoy, Kornilov moved an army against Petrograd. In the maneuvering and fighting that followed, Kornilov's attempt failed and the general himself was taken into custody.—The discontent of the radicals with the situation showed itself in the fact that the Bolsheviki gained control of the Petrograd Council of Deputies, and in the demand of the radicals for an exclusively Socialist régime. Kerensky, consequently, was compelled to form a new cabinet of five members. At the same time, to insure the status of the provisional government and to unify all factions on a minimum program, Russia was proclaimed a **republic** (September 14), and a **Constituent Assembly** was decided upon to take up in detail the definition of the Russian state. To mitigate the interim uncertainty, a democratic conference was held on September 27 with a view to determining the form the constituent assembly ought to take. After stormy sessions, in which particularly the military policy of the provisional government was subjected to fiery criticism, the conference, showing much uncertainty, decided on a pre-parliament, to meet forthwith, and elected M. Tcheidze as president. A new coalition ministry was agreed to, to be composed of Social Revolutionists and Social Democrats, with Kerensky still as premier. — The pre-Parliament met in Petrograd October 20. Trotzky, speaking for the Bolsheviki, attacked the government in a bitter and fiery speech, declared his party's hostility to its program and purposes, and bolted the meeting, followed by all the other Bolshevist delegates. On October 21 the pre-Parliament decided to dissolve the Duma in anticipation of the elections to the Constituent Assembly, scheduled for November. On October 24 it formed a Committee on National Defense, which met in secret, and on October 26 it became involved in a stormy debate

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over the calling, by the Bolsheviki, of a Congress of Soviets to oppose the pre-Parliament. The date set for this Congress was November 2. —In the army, meantime, discipline had disappeared altogether, soldiers were deserting in divisions, and fraternization with the enemy was constant. Before this eventuality the government was helpless. Kerensky found himself compelled to announce that Russia had made her maximum sacrifice and was unable to go further in the war. To stabilize the situation thus created among the Entente, the government of the United States gave Russia a credit of $31,700,000, and Secretary of State Lansing took occasion to deny that the Russian provisional government had any intention whatsoever of making a separate peace. And it had not. But the people and the army wanted peace more than anything else except bread, so that the power of the Bolsheviki rose steadily, and that of the provisional government disintegrated. Kerensky was driven from Petrograd, his forces deserted him, and the Bolsheviki took over the government, with a full ministry of "fourteen commissaries," Nikolai Lenine as premier and Leon Trotzky in charge of foreign affairs. The government immediately dismissed all foreign legations and repudiated all foreign debts. Their aim, they announced, was to achieve the real **proletarian revolution.** The revolution against the Czar had been only a bourgeois revolution; their taking governmental responsibility meant a revolution of workmen and peasants. — Their program was definite: an armistice of three months for the conclusion of an immediate and democratic peace; the transfer of landed estates to the peasants; the transfer of political authority to the Soviets or councils of workmen and soldiers and peasants; an "honest" constituent assembly; "for peace, for food, for land, and for the power of the people."—This program they proceeded forthwith to carry out so far as possible. They ordered arrangements for an armistice and announced their intention to conclude a **separate peace.** When General Dukhonin refused to put into effect the order for an armistice, they appointed Vladimir Krylenko, a naval ensign, commander-in-chief. Some uncertainty then showed itself in the army as to the seat of authority; a good deal of military rioting developed, General Brusilov, an ex-commander-in-chief, being wounded in one of the many clashes. Both the Cossacks under General Kaledine and the army corps under General Dukhonin opposed the Bolshevist authority. These circumstances conspired with Bolshevist doctrine towards the disintegration of the empire. Siberia, the Cossack territories and the Ukraine declared their independence. The Ukrainians had recalled 560,000 soldiers of their stock from the Russian army and were setting up a government of their own. The Esthonians and the Finns did likewise. Trotzky's interim publication of the various treaties between the Entente and the Czar's government, and the Entente and the provisional government, did not ease the situation

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with respect to the powers in that alliance. But the Bolsheviki followed out their declared program, regardless.—Their actual movement toward a separate peace was begun December 2, with the sending of a delegation to engage in a *pourparler* looking toward an armistice with Germany. On December 15 a convention was signed at Brest-Litovsk, the German army headquarters, establishing such an armistice for twenty-eight days from December 17, when **peace negotiations** began, Trotzky speaking for the Bolsheviki and Kuehlmann for the Central Powers. Trotzky pressed for a general peace, with no annexations and no indemnities. Opposition to the enterprise was by no means over, but it was less overt. The Duma disavowed all Bolshevist action early in December and appealed for Allied support, but had no influence. Dukhonin was defeated and lynched, and every attempt was made to suppress opposition with a strong arm. After a discussion of two months the Bolshevist authority, although it did not sign a formal peace treaty, declared that the state of war with the four Central Powers was over, and ordered the demobilization of the army.—But as the Germans advanced into Russia, the delegations reconvened at Brest, and on March 3 a **peace** was signed which, Trotzky declared, was forced on Russia. Under the terms of it the Russians were to give up Courland, Poland, Lithuania, except a part of Grodno, and not to interfere in the internal affairs of these territories. Livonia and Esthonia were to be evacuated, and the Germans were to police them until "the constitutions of the respective countries shall guarantee their social security and political order." Russia was to make peace with the Ukrainians, and to evacuate Ukrainia and Finland. The armies of Russia were to be demobilized, immediately and completely, her warships and those of the Entente in Russian waters to be disarmed and interned, the Black Sea to be cleared and merchant navigation renewed. The Germans, however, were to maintain the Arctic blockade until the conclusion of a general peace. Ore was to be exported to them freely, without a tariff, and they were to have other extensive commercial privileges. Particularly, the Russians were to refrain from all radical propaganda in the territories of the Central Powers. Their indemnity to these powers was indefinite, from 1,500,000,000 to 4,000,000,000 rubles. With regard to the Turks, they were to receive back all the lands taken from them in 1828-9 and 1877-8, Batum, Kars and Karabozh. Such were the conditions on which Russia might have peace. Trotzky would not take responsibility for accepting them. He telegraphed Lenine, and the Executive Committee of the Council of Soviets ordered the signing of the treaty. It was immediately protested by M. Maklakov, the Kerensky ambassador to France. Trotzky himself resigned, and Ensign Krylenko, Bolshevist commander-in-chief, resigned rather than carry out the order to demobilize. The government was almost at once removed to Moscow,

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where on March 16 the treaty of peace was submitted to a great Congress of All Russian Soviets. The congress ratified it, by a vote of 453 to 30. By March 26 the demobilization had completed itself. A few weeks later Count von Mirbach came to Moscow to represent Germany and **Rodolphe Joffe** was sent by the Bolshevist government to Berlin.—Meanwhile, the program of internal reform was being carried out consistently and inexorably. The Constituent Assembly, convened under the provisional government, was forcibly dissolved. In every city, town, and hamlet the old political administration was displaced by a soviet or council representing workmen and peasants. The "bourgeoisie" were disfranchised, their houses looted, their property confiscated; land was turned over to the peasants. But this was not done in an orderly, organized way, and no effective central control was maintained. The total effect of the Bolshevist reforms seems to have been decentralization and disorganization, accompanied by civil war. To establish the "tyranny of the proletariat" against resistance, the red guard was organized, and not infrequently it consisted merely of hooligan bands, who murdered any that interfered with their looting. Nevertheless, there seems to have been a high degree of order and stability, due mostly to the fact that the masses favored the government. Had communications, railways particularly, not been almost completely paralyzed, the government might have achieved an orderly success instead of the disintegration and consequent anarchy which actually resulted from the execution of its plans. Its financial problems were met first by the confiscation of the reserves of the country's banks, by the seizure of the gold reserve belonging to the Rumanian government, then by issuing paper. The methods are not a success, and have led to the negotiation of a loan from Germany, guaranteed by concessions for exploiting Russia's natural resources, particularly the mineral output. Necessity has thus compelled an action altogether contrary to Bolshevist practice.—This practice looked to the establishment of the "proletarian revolution" everywhere. The propaganda of soviet agents in the armies of the Central Powers, and even among their work-people, had been so strong as to be occasion for treaty in the terms of peace.—The soviet attempt to establish maximalist government in Finland, Poland, Ukraine, and the other surrendered territories led to **civil war** between "red" and "white" guards, and the fastening of the Prussian grip on those lands. **Finland** began its resistance in August, when it was warned by Kerensky. In December the Finnish government declared the independence of Finland, and from that time forward a civil war for the possession of the country developed between the radicals and the reactionaries. In the beginning the radicals were successful. In February the "red guards" won at Helsingfors, and the Social Democratic Committee declared a revolution of the prole-

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tariat, only to lose the battle a few weeks later to the "white guards" under General Mannerheim. Civil war continued until the signing of the Kuehlmann-Trotzky treaty. The conservatives in control then agreed to cede no territory without German consent, to remove the fortifications on the Aland Islands and to permit those islands to be occupied by German forces. Because of this occupation the latter were enabled to cross to the mainland over the ice, and to reinforce the "white guards." In April there were 40,000 German troops in Helsingfors and a squadron of twelve German ships in the harbor. The Russian fleet had escaped to Kronstadt. By June all pretense at democracy was abandoned by the reactionaries kept in power by German force. The Finnish cabinet resigned on May 25 and Premier Svinhufvud became temporary dictator. On June 12 the government proposed to the Landtag to establish a monarchy with a hereditary ruler; one of the younger sons of the German Kaiser was spoken of. General Mannerheim resigned in protest. The connection between this proposal and the fact that General von der Goltz is in supreme command of the Finnish as well as the German army should be obvious.—In the **Ukraine** events followed the same general direction to a different conclusion. The Bolshevist recognition of the independence of Ukrainia did not prevent the sending of troops to enforce the proletarian revolution there. In retaliation the Ukrainian Rada gave aid to the Cossacks opposing the Bolsheviki, and offered to withdraw this aid in return for the withdrawal of the red guard. The Bolsheviki withdrew the red guard, but the war between radicals and conservatives continued. To insure its position the Ukrainian Rada agreed with the Germans to a separate peace. The Central Powers hoped to get Ukrainian grain and other foodstuffs in return for the recognition of Ukrainian independence. This was in the beginning of February. It involved complications with the Bolsheviki, whose forces took Kiev, and gave the German military the needed opportunity to intervene. Intervention and occupation were one. The Germans wanted 85% of the Ukrainian grain, and it was not forthcoming. In retaliation they shot down the peasantry with machine guns, destroyed villages and towns, strengthened their control of what civil government there was in the country, to the point of establishing there also a dictator friendly to their interests and those of their allies. In the course of the fighting Odessa changed hands once more, having been captured by the Black Sea fleet.—Difficulties of another sort came in the relations of the Bolshevist government with the Cossacks and **Czecho-Slovaks**. These fighting men, their chiefs most particularly, were opposed to the Brest-Litovsk peace. Both the Don and the Siberian Cossacks broke away from the central government and fought its troops. These defeated General Kornilov, but the fighting still goes on. The Czecho-Slovaks were Austrian

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troops who had surrendered to General Brusilov during his great drive into Galicia and had been armed by him for service against the Central Powers. When demobilization was ordered the Bolshevist government agreed to permit these troops passage across Siberia to join the Allies in France. Then it changed its mind, and the Czecho-Slovaks had to fight their way to Vladivostok, which they occupy and control. They stopped the traffic on the Volga and cut off communications on the Siberian Railroad, which they hold for the greater part of its length, seriously interfering with the supply of oil and grain to European Russia. Trotzky, who is minister of war, ordered the mobilization in the Volga district of all men of the last five military classes, but to no effect. The Czecho-Slovaks seem to be a rallying point for all sorts of opponents of the Bolsheviki. The opposition showed itself in the capital by strikes and other forms of unrest, and by the resumption of terrorist methods. The first fruit of the latter was the **assassination** of Count von Mirbach, on the mandate of a group of that section of the Socialist Revolutionary party that had joined forces with the Maximalists. Von Mirbach had been insistent on arrangements to send a German army against the Czecho-Slovak troops.—At the western end of Russia is the **Murmansk** railroad, connecting the open port of Kola with Petrograd. The German-Finnish oligarchy lusted after that area from the beginning of their domination, and at the end of June and early July began a campaign against it. The inhabitants of the region immediately declared their independence of the All-Russian soviet government, not improbably at the instigation of that body, and urged Allied intervention. As a great stock of munitions and material had been landed at Kola during the Kerensky régime, a military occupation by French, English and American troops at once took place. The Lenine government lodged a formal protest. Indeed, in its relations with the Entente it has done hardly anything more than protest, possibly hoping for action over the protest.—Disagreement with Rumania about the peace negotiations led first to an order from Lenine for the capture of the king of that deserted and unhappy country, later to the confiscation of its gold reserves. On the other hand, **Bessarabia,** predominantly Rumanian in stock, voted, on the principle of "self-determination," by a majority of eighty-six to five, for union with that country, and the treaty of the Rumanians with the Germans affirmed the change of allegiance from the other side.—Real and determined opposition was manifested to a possible purely Japanese **intervention at Vladivostok.** The influence of the United States, against much pressure, prevented it for a long time, but on April 5 British and Japanese naval forces landed at Vladivostok, without notice, in order, according to Admiral Kato of the Japanese navy, to protect the life and property of Japanese and Allied nationals, amid the reigning disorder in the city.

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Suspicion of Japanese intrigue, information based on letters taken from captured prisoners that Japanese agents were conspiring with a counter-revolutionary activity calling itself the Siberian Government to overthrow the Soviet Republic, led Lenine to ask Entente ambassadors in Moscow to investigate the participation of Entente consuls in the intrigue, and in the middle of May to a direct demand for the recall of the French ambassador. All this is conventionally correct, and Germany can make no complaint.—Incidentally it is to be noted that the so-called "economic penetration" of Russia is not proceeding smoothly. The consistent sabotage which all economic enterprises of the Germans sooner or later encounter is not necessarily due to disorganization in the soviet government. Meanwhile, Trotzky is demanding universal military service.

ITALY. — The menace of the Austrian assault brought in Italy a degree of national unity respecting the conduct of the war which had not existed before. The Socialists and radicals were reconciled. The whole army organization was overhauled, a new commander-in-chief was appointed, and efforts were launched to meet the next shock. Measures were taken, early in October, against German and pacifist propaganda, and new economic and military arrangements were entered into with the Entente, aiming at a unification of front and of resources.—Nevertheless, the Boselli cabinet failed of support and the prime minister resigned. On October 30 Signor **Orlando,** formerly secretary of the interior, accepted the royal mandate and formed a new cabinet.—The publication by Trotzky of the agreement of the Entente to support Italy as long as she ignored the Holy See concerning peace led to a critical question in the Italian Chamber, December 14, and a formal denial by Baron Sonnino, the foreign minister. On December 21 questions in the Chamber by Deputy Pirolini led to the connection of ex-Premier Joseph Caillaux of France with German propaganda in Italy. — A congress of **Austrian subject nationalities** was held in Rome, April 7. Prime minister Orlando received a delegation, assuring them of Italy's sympathy and good-will toward their aspirations.

GERMANY.—The associates chosen by Michaelis in the ministry were mostly mediocre bureaucrats like himself. His foreign minister, however, von Kuehlmann, and his vice-chancellor, Karl Helfferich, met with objection from the pan-Germanists, while the radicals and Socialists resented the chancellor's failure to consult the Reichstag about the personnel of the ministry, and thus to take the step toward parliamentarism which had been, at least by implication, promised. Such advantage of position as the Reichstag had gained, it pressed. Its main committee adopted on August 29 a resolution calling for modification of the political censorship, and a special committee of fourteen was designated to sit with the chancellor in formulating the

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reply to the papal peace note.—President Wilson's reply, drawing the distinction between the German government and the German people and calling for responsible government, created a great furore. Various bodies took occasion to assure the Kaiser of their loyalty and to denounce the President's attempt to "sow dissension" in Germany.—After the opening of the Reichstag in October, a sharp clash took place over the exclusion from the army of all party propaganda but the pan-German, and there was brought to light the existence of **discontent and mutiny** in the navy. For the latter Admiral von Capelle, the minister responsible, blamed the Socialist deputies Dittman, Haase and Vogtherr. Indignation was widespread, and finally compelled the resignation of von Capelle. Michaelis did not survive him. His successor, for the first time in the history of the empire, was not a Prussian, but a Bavarian, Count Georg F. **von Hertling,** prime minister of Bavaria. Michaelis was made prime minister of Prussia. Von Hertling's choice was regarded at first as a concession to the Liberals, but the Liberals were soon disillusioned. When Helfferich resigned, von Hertling tried to cause the vice-chancellorship to lapse by not appointing a successor. The appointment was finally forced on him, the man selected being Friedrich von Payer, who had the approval of the Socialists.—The latter refused to participate in the vote of an additional war-credit of 15,000,000,000 marks, and their function as an opposition showed strengthening in other directions. When the Brest-Litovsk negotiations began they pressed the suggestion, which Kuehlmann actually made to the Russians, that the latter should act as intermediaries with the Allies. They disavowed, at the Gotha conference, the government's military platform, and declared their opposition to its policy. Then, as the negotiations dragged out, and the pan-German and military parties forced Kuehlmann to withdraw his first declaration of "no annexations," they sharply opposed the pan-Germans, and co-operated with the strikers in industrial towns, to whom Trotzky and Lenine were sending proclamations, while Scheidemann told the Reichstag main committee that the military leaders would be "hurled from power" if peace were not attained.—The suspension of negotiations led to riots, to the mutiny of 25,000 troops at Kovno, and to violent additional strikes, based on the demand, "Food and Peace!" In Prussia the strikes were also a protest against the dilatory attitude of the government toward the promised electoral reform and against the von Tirpitz "Fatherland" party. The government retaliated by arresting six independent socialists and the editor of *Vorwärts*. A ban was placed on it, the *Tageblatt* and the *Post*. Members of the majority Socialist group in the Reichstag, it seemed, had joined Haase in the formation of an "action commission" composed of ten men and ten women. Its leader, Dittman, was arrested and was to be tried by a court-martial extraordinary.

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The officials of the party thereupon demanded the reconvening of the Reichstag, but without success. The government meanwhile ordered the striking workers to return to the shops on the penalty of being court-martialed. Finally, on January 30, peace negotiations were resumed, suspended again on February 27, and resumed on March 3.—The peace that Kuehlmann consummated was a **dictated peace,** putting Finland, the Ukraine and Rumania completely at the mercy of the Germanic powers and seeking to make Russia herself the easy subject of Teutonic exploitation. Every item in the treaties was contrary to the Reichstag resolution of July 19. That, indeed, in view of the apparent success of military force, became a dead letter. The pan-German Congress demanded its repudiation on April 14, and the majority Socialists ignored it. The whole outbreak and its motives in the difficult days prior to and pending the negotiations were forgotten. This is shown in the fact that the minority Socialists lost ground, with one by-election after another going to their opponents. The kind of peace was apparently determined entirely by the military and economic situation. The Brest-Litovsk treaty gave reactionary sentiment and reactionary power distinctly the upper hand. In Prussia it repudiated the Kaiser's pledges (see last RECORD, p. 68), opposed the government's decisions, and on May 2 substituted in the committee of the lower house of the Prussian Diet an elaborate six-class franchise proposal for the promised equal franchise measure. This was passed by a vote of 235 to 183.—The peace, coupled with the publication of the Sixtus letter, fastened the Prussian grip on Austria in a treaty giving Prussia control of the Austrian armies. It made possible the intrigue by which deputations of all Junker interests from both sides of the line at Brest-Litovsk came to ask for Germany's help and the monarchical establishment. Thus, on March 26 the municipal council of Riga asked for the union of Livonia, Esthonia, Courland and Riga "under the supremacy of the exalted house of Hohenzollern, united to Germany in unchanging fidelity for all time by a personal union." Analogous pleas came from Finland and the Ukraine. The Ukraine is being exploited in a military way; Rumania, crushed in a commercial way.—In the West developments are of the same order. The demand is now for a German peace. According to resolutions passed by the "Fatherland" party, April 19, Belgium and Flanders are "to be kept firmly in German hands, politically, militarily, economically," Germany is to appropriate the ore basin of Longwy and Briey, to recover her "colonial empire" with additions, and to compel the "freedom of the seas." A memorial of the Union of Iron Manufacturers (March 27) demands the French ore basin and Morocco. "The question," it declares, "is one of life and death for the German iron industry." Financial interests, as is indicated in the report of the Dresdener Bank, suggest indemnities. And the government is quite prepared to

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listen: "We do not yet know," said the imperial financial secretary, von Rödern, addressing the Reichstag on April 23, "the amount of the indemnity that we shall win."—This optimism was not shared by Foreign Minister von Kuehlmann, whose speech to the Reichstag declaring that military victory was impossible cost him his office, July 9. His successor is Admiral **von Hintze,** in whose selection the press saw a victory for the pan-Germans and Junkers. Their representatives in the Prussian upper house expelled Count Lichnowsky from that body. On the other hand, Scheidemann, leader of the Socialist majority, was repudiated by his constituency at Solingen, who refused to hear him speak, shouting him down as traitor to the Socialist cause.—The Reichstag, after voting a tax-bill said by the finance minister to be the most extensive and important since the empire began, adjourned to November 5.

AUSTRIA-HUNGARY. — Internal disorders, unmitigated by victory and intensified by defeat, mark the record of the Dual Monarchy from August to July. Quarrels between Hungarians, Czechs, Poles and Germans were constant in the Chamber, and the dispute between the Czechs and the Germans led the new prime minister, von Seydler, to call a council of the cabinet September 29. The council accomplished nothing. The tension was unrelieved and served only to throw the Hapsburg dynasty and its German following farther into the toils of imperial Germany. — German military domination in the field led to growing economic domination in the market place. The commercial arrangements between the two countries, agreed upon during von Kuehlmann's visit in October, were all to the advantage of Germany. The military agreement, forced on Austria by Clemenceau's disclosure of the contents of the Sixtus letter, gave Germany effective control of the Austrian armies and of the training of the Austrian officers.—The **subject nationalities,** on the other hand, were too intent on their own private and particular ends, divided by mutual jealousies and distrust, to unite against the ruling house. Each made its own demands and fought its own fight regardless of the others. The Austrian Poles were particularly interested in that one of the many plans for the creation of a Polish kingdom which would be most to their advantage. This plan looked to an alliance of the Polish kingdom with the Austrian crown. By this arrangement Austria-Hungary-Poland were to dominate the other populations. The Hungarians, again, insisted that they were being selected for slaughter in battle and were otherwise discriminated against at home.—The American declaration of war was much deplored and the whole country, the city of Vienna particularly, was disturbed by **demonstrations for peace.** During the course of the negotiations at Brest-Litovsk these demonstrations assumed menacing dimensions. Dissension was in evidence between the Slavs and the Teutons in the army; in the fac-

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tories peace strikes broke out. From the munition factories in or near Vienna alone there was a walk-out of 100,000 workmen. The evident German control of Austria was particularly resented by all classes and nationalities of the empire. Nor did the peace relieve the situation. Promised food, the result of peace, was not forthcoming; even the army, as the proclamation prior to the disastrous offensive of March shows, was undernourished. The government's wish for peace, consequently, was as urgent as its subjects'. Not only were all the Austrian public pronouncements on the matter far more conciliatory and reasonable than the German. The private efforts were more genuine, and were intended to meet the Entente's demands halfway.— The Austrian government was on the defensive before its people, as is to be seen from Czernin's correct but unfortunate putting of the responsibility for the failure to make peace on the French government, in a speech before the Vienna city council. It was a speech that cost Czernin his post and did not help the situation. On the contrary, even as it weakened his government's independence in relations with Germany, it weakened its authority in relation to the parties at home. Czernin's successor, **Baron Burian,** who added the latter's portfolio to his own of finance, found himself compelled to meet an emboldened Socialist party, and growing revolutionary activity among the Jugo-Slavs and Czechs, accentuated by a general and increasing scarcity of food. Prague and two other Bohemian cities had to be put under martial law, and the unfortunate young emperor authorized workmen to manage the food distribution in their own districts in their own way.—The hunger offensive brought only defeat. Count Tisza, the Hungarian premier, told his Parliament that in many provinces there was only a third as much food as was necessary for the health of the population. In spite of the fact that Bohemia and Galicia were threatened by famine, a reduction of the weekly ration was ordered. The consequence was labor uprisings in Bohemia, and characteristic anti-Semitic outbreaks in Galicia (the Poles using the Jews as scapegoats for all their faults and troubles), and rioting in Vienna. The few carloads of grain sent from Germany did not relieve the situation. The cabinet resigned, but the young emperor reserved his decision. Unity among the opposition to the government could overthrow it with ease, but there is no unity. The only move the government could make, short of complète surrender to Germany, seems to have been initiated in Burian's declaration, July 15, that Austria is ready to listen to any reasonable peace proposals.

TURKEY. — Abdul Hamid, Sultan of Turkey from 1876 to 1909, when he was deposed, died on February 10, 1918. His successor, Mohammed V, followed him, July 3. The new sultan, **Mohammed VI,** was proclaimed on July 5. He is a son of the late Abdul Aziz, deposed to make room for Abdul Hamid.

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GREECE. — In Greece the return of **Venizelos** to power meant a steady, if slow, improvement in the Allied position in that country. Measures were taken, the king aiding, against pro-German officers in the army, and the army itself was being reorganized. The need of equipment and the general shortage of food militated against Allied interests. To secure the needed material that would insure the Greeks' effective co-operation in the war, the premier visited France and England and participated in the Inter-Allied War Council.

BALKAN AND DANUBIAN STATES.—The democratic hopes of the **Rumanian** masses were destroyed with the military *débâcle* in Russia and the consequent forced separate peace with the Central Powers. Rumanian resistance survived for a time the disintegration of the Russian army, but could not survive the opposition of the Bolsheviki as well as the Germans. The situation created a cabinet crisis which brought in the landlords and other conservatives, and was followed by talk about forcing the king's abdication. Under the articles of the **separate peace** compelled by Mackensen, Rumania gave up to Austria the Dobrudja to the Danube, and portions of her frontier touching that of Austria-Hungary. The rest of the Dobrudja was assigned to Bulgaria. Bessarabia was to be transferred from Russia to Rumania. Rumania was also to allow the transport of Teuton troops through Moldavia and Bessarabia to Odessa, to demobilize at once eight of her divisions, and the remainder as soon as a peace could be arranged between her and Russia. A Teutonic army of occupation was to be supported at Rumanian expense, and Teutonic warships were to police the whole Danube. The Rumanian oil wells were to remain under Teutonic control and trade relations were to be resumed. Rumania was assured a trade route, *via* Costanza, to the Black Sea. After the signing of the treaty, parliament was dissolved by royal decree, and a new election was held. The new pro-German premier, Marghiloman, announced an "honest neutrality." A German **commercial invasion** of Rumania followed, and an extraordinary effort is being made by both merchants and soldiers to win Rumanian goodwill. On May 28, Lord Robert Cecil stated in the House of Commons that the Entente powers had notified the Rumanian government that they held its treaty with Germany null and void.—Queen Eleanor of **Bulgaria** died September 12. Between the Bulgarian government and the Young Turks a good deal of tension is manifesting itself over the division of the territory annexed from Rumania. The territorial greed extends to all parties, however, for the Bulgarian Socialists, in accepting practically all the general points of the Inter-Allied Socialist Memorandum on War Aims, made certain exceptions regarding Macedonia.—The women and children of **Serbia** have been deported to Syria. The Austrian government protested, to no avail. They protested also against the campaign conducted by the Bulgarians of sys-

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tematically exterminating the Serbs. The region of Maydanpek (where pyrites is mined), they complained, has been deprived of all available labor.

IBERIAN STATES. — The swift succession of ministries during 1916-17 was continued in **Spain** during 1917-18. Labor unrest, republicanism and the high cost of living were behind the **general strike** which was terminated at the end of August, and which cost, according to official counts, 400 lives. They were behind the rioting which survived, and which the government's drastic measures, including the suspension of all liberal papers and the killing of 300 Republicans in Bilbao, did not suppress. Even the declaration of a state of siege for the whole country did not improve matters. In the Cortes 171 deputies adopted a motion for the abolition of the non-removable senatorships. Señor Dato had finally to relinquish the premiership, but his successor, ex-President of the Senate Sanchez Toca, failed to form a cabinet. Garcia Prieto, who had surrendered his place to Dato on June 9, 1917, was then recalled. He granted amnesty to political offenders and restored the right of free association, but had not the courage to convoke the Cortes or to call an election of a new one. This, with the continued disaffection in the army, produced a situation bordering on revolution. Telegraphic communication was suspended and the king called the cabinet. An election was finally conceded. The new Cortes met March 18, and on March 21 Señor Maura organized a new ministry.—The scarcity of food accentuated in **Portugal,** as everywhere else, the political and social instability of the country. December saw a series of disorders and food riots, culminating in the overthrow of the government and the organization of a new one, the president of the ministry being Sidonio Paès. Meanwhile a general election took place for the purpose of choosing a president and a constitutional assembly to modify the national constitution. Ex-President Machado was compelled to leave Portugal.

SCANDINAVIAN KINGDOMS.—Swedish unrest grew as the supposed Russian menace was destroyed by the revolution and as evidence of collusion between Swedish officials and the Central Powers became public. The Luxbourg episode distinctly shook the conservative hold on the government. It appeared, through intercepted letters made public by the State Department of the United States, that Count Luxbourg, the German envoy to Argentina, had been using the Swedish diplomatic mailbag and the Swedish cipher in unlawful ways. Inadequate answer was made to the official British inquiry on the matter, and the popular approval of the sharp protest by H. Branting, the Socialist leader in the Riksdag, was not offset by the German apology and official exoneration of Sweden's minister of knowledge of Luxbourg's action. The September elections compelled the resignation of the cabinet (October 2). A new one was not formed, however, until

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October 11, when the king finally called the president of the second Chamber and a ministry was organized under M. Eden.—In November the rulers of Norway, Denmark and Sweden met in Christiania once more to safeguard the imperiled neutrality of the Scandinavian kingdoms. The Swedish decision to keep out of the war at all costs was put to a test when both red and white Finns invited intervention in the Aland Islands. Swedish failure to intervene resulted in the seizure of the islands by Germany and led, in March, to an interpellation in the Riksdag.

OTHER EUROPEAN COUNTRIES. — In the **Netherlands** the strain of maintaining a balanced behavior between the encroaching aggression of Germany on land and the nagging restraint of the Entente on the sea, has shown itself in the increased anxiety of the government and the discontent of the population. Owing to the sale of foodstuffs to Germany by Dutch merchants, the United States and other of the Allies held up shipments to Holland, and greatly reduced the quantity of exports. This aggravated the general scarcity and led to a threat of food strikes by the revolutionary Socialist party and the trade unions in Amsterdam, Rotterdam and the Hague. They demanded the prohibition of further exports of food, and the seizure and distribution of existing stocks. Another cause of friction with the Allies was the seizure of Dutch shipping by the United States and Great Britain. This was done under the *lex angaria*, and involved an adjustment with America in respect to the grain supply. The American government allowed three food ships to leave Holland in April, but this could not begin to relieve the need, which compelled the Dutch government to announce partial demobilization as soon as the German offensive of 1918 is over. With Germany, a serious dispute arose concerning the transport into Belgium of sand and gravel over Dutch highways. The Entente protested that the amount transported was largely in excess of what was needed for the civil purpose of keeping Belgian roads in condition. The German and Dutch ministers went home for consultation and it looked for a time as if relations would be broken, German demands having multiplied with Entente pressure. An agreement was finally patched up.—Switzerland also has been disturbed by demonstrations against the high cost of living. November saw disorder at Zurich, riots and peace manifestations. The principal author of the latter seems to have been a German agent who had attacked the Swiss army. On November 21 the Federal Council decided to expel him.

VI. ASIA AND AFRICA.

CHINA.—On August 3 General Feng Kuo Chang, president of the Chinese Republic, declared **war** on Germany, and, on September 11, on Austria-Hungary. The problems of the newly re-established re-

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public were many and vexed, and the step was taken, rumor has it, on the advice of the American minister, in the hope that the problems of facing a common enemy without might unify the factions at home and create for China the military strength and unity necessary to resist aggression. This was no longer feared from Europe, on the continental side, but Japan gave Chinese patriots constant anxiety. The cause of the republic had its most loyal champions in the returned student bodies, but these were poorly organized and without any real community with the masses, whose mentality and outlook they did not understand and thus far could not modify. The numerous parties and provincial groups dividing the rest of that part of the Chinese population which was really awake to political issues were very weak in comparison with the provincial military governors who were gaining a mastery of the country. Between them civil war might break out at any time. — The most disinterested of the great powers concerned about the fate of China was the United States, which came, November 8, to an **agreement with Japan** in regard to China (see *supra*, International Relations). Under this agreement the independence and territorial integrity of China are safeguarded, but the United States recognizes that Japan has a special interest in China similar to that which the United States has in Latin America. The foreign press in China, representing mostly foreign interests, but being entirely unconcerned with actual Chinese opinion, showed a great deal of anxiety over the agreement. "Japanese paramountcy," it declared, "cannot be tolerated." Events in Russia, however, gave this paramountcy a new and more important direction. — As the issue of intervention in Siberia became more pressing, China concluded with Japan, May 17, a **defensive alliance**, according to which they would, if the occasion demanded it, undertake joint military operations in Siberia and Manchuria. The Chinese troops are to operate under Japanese orders. There is to be an interchange of arms and materials. The Japanese are to control the railway zones and to give China financial assistance for military purposes. Unofficially it was agreed to erect military fortifications and to establish military police in the zones affected. The Chinese ambassador protested the transfer to Japan by Russia of a part of the Chinese Eastern Railroad.

JAPAN. — The Japanese government has been emphasizing the community of ideals and interests between it and the United States. In August it sent a mission, headed by Viscount Ishii, to discuss international co-operation, to arrange particularly about exchange of shipping and steel and iron. The latter was consummated in April. —When the question of intervention in Siberia came to the fore, a conflict of opinion as to the manner of it was immediately apparent between the military and the commercial and industrial groups. On January 2, at the opening of the parliament, Viscount Motono, the

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foreign minister, stated that if peace were actually concluded between Germany and Russia, Japan would take whatever steps were necessary to safeguard Allied lives and goods at Vladivostok. The announcement had at least the passive backing of England and France. American unwillingness, however, reinforced the opposition of the liberal commercial classes, and the premier, Count Terauchi, announced in the House of Peers, March 28, in spite of the fact that negotiations at Tokio with the representatives of England and France had concluded in favor of intervention, that the government did not consider Siberia menaced by German prisoners. Nevertheless, on April 5, British and Japanese forces were landed at Vladivostok, to protect the life and property of their nationals, endangered by rioting. The situation cost Viscount Motono his place. His successor was **Baron Goto,** considered to be friendly to American ideas. Those in the meantime had undergone some modification, and finally took the form of a **proposal for joint intervention,** to which the Japanese diplomatic council agreed. The effect of this proposal would be to render the Japanese participation an entirely disinterested enterprise. The proposal met with strong opposition from the military party.

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